



**ASSEMBLY — 38TH SESSION**

**TECHNICAL COMMISSION**

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

**ANNEX 19 – SAFETY MANAGEMENT**

(Presented by Colombia)

**EXECUTIVE SUMMARY**

This working paper aims at improvements in ICAO’s audit process, based on the proper disposition of protocols facing the separation of the functions of regulator and service provider. In this regard and taking into account the existing protocols for ANS, we propose that the approach for SSP process is directed to ORG or LEG rather than ANS.

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

- a) take into consideration the proposed amendments presented by Colombia; and
- b) request the Council to analyse, under the existing funds for CMA, the consequential changes to be addressed.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	The resources for the activities put forward in this working paper are proposed to be studied and analysed by the Council, keeping in mind that those will be included under CMA framework.
<i>References:</i>	Doc 9859, <i>Safety Management Manual</i> Annex 19 — <i>Safety Management</i> Doc 9735, <i>Universal Safety Oversight Audit Programme Continuous Monitoring Manual</i>

**1. INTRODUCTION**

1.1 Although Attachment E to State letter AN 8/3-13/30, paragraph 6 states that “The USOAP State Aviation Activity Questionnaire (SAAQ) and Protocol Questionnaires (PQs) will be updated to address safety management provisions in a comprehensive manner”, it is important to point out that these new protocols and questionnaires should take into consideration the new structure of the questions on the State Safety Programme (SSP) reflected in ANS, to be oriented to LEG (Legislation and Regulation) and/or ORG (Organizational).

(5 pages)

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<sup>1</sup> English and Spanish versions provided by Colombia.

## 2. CURRENT SITUATION

2.1 The following protocol questions can be reformulated to be addressed to the authorities and not to service providers under the SSP context.

2.2 In addition, States are urged to promote the practice by service providers of complying with the requirements regarding the establishment and upkeep of an SMS, according to Annex 19 and other existing SARPs.

2.3 It is important to point out that other protocols can be revised in the same manner.

ÁREA	CE	N° PQ	Protocol Question PQ - CMA	Protocol question PQ – From ICVM performed in Colombia in 2011
ANS	3	7.033	Has the State established and implemented a safety oversight system for ensuring the effective implementation of safety-related policy and procedures in the air navigation fields?	ANS 7.033 Has the State established a safety oversight system for ensuring the effective implementation of safety-related policy and procedures in the air navigation fields?
ANS	3	7.161	Has the State established a safety management programme?	ANS 7.161 Has the State established a safety programme, in order to achieve an acceptable level of safety in the provision of ATS?
ANS	6	7.169	Has the State approved the safety management system of the ATS provider?	ANS 7.169 Does the State ensure that the ATS provider implemented a safety management system acceptable to the State?
ANS	7	7.171	Does the State carry out oversight of the safety management system?	ANS 7.171 Does the State carry out oversight of the ATS safety management system?
ANS	6	7.175	Does the State ensure that the safety management system established by the ATS provider is characterized by an active approach?	ANS 7.175 Does the State ensure that the safety management system established by the ATS provider is characterized by a proactive approach?
ANS	6	7.177	Does the State ensure that the safety management system developed by the ATS provider includes provisions for safety assessment to be carried out for any safety-related change to the ATS system?	ANS 7.177 Does the State ensure that the safety management system developed by the ATS provider includes provisions for safety assessment to be carried out for any significant safety-related change to the ATS system?
ANS	7	7.179	Does the State ensure that proper provisions are made for post-implementation monitoring to verify that the defined level of safety continues to be met?	ANS 7.179 Does the State ensure that provisions are made for post-implementation monitoring to verify that the defined level of safety continues to be met?

ÁREA	CE	N° PQ	Protocol Question PQ - CMA	Protocol question PQ – From ICVM performed in Colombia in 2011
ANS	6	7.181	Does the State ensure that the safety management system developed by the ATS provider clearly defines lines of responsibility, including direct accountability for safety on the part of senior management?	ANS 7.181 Does the State ensure that the safety management system developed by the ATS provider clearly defines lines of responsibility, including direct accountability for safety on the part of senior management?
ANS	7	7.183	Does the State ensure that safety reviews are being regularly conducted by the service provider?	ANS 7.183 Does the State ensure that safety reviews are being regularly conducted by the service provider?
ANS	7	7.185	Does the State ensure that appropriately qualified personnel are available at the level of the service provider to conduct safety reviews?	ANS 7.185 Does the State ensure that appropriately qualified personnel are available at the level of the service provider to conduct safety reviews?

### 3. PROPOSAL

3.1 The proposal for amendment is related to the direction of the protocol questions to the areas and Critical Elements (CE), in a way that does not address specific aspects (ATS, ATC, ANS, CNS), but rather audits the State Authority to gain factual proof of implementation by the service providers.

3.2 The following text is proposed to replace the existing protocols:

ÁREA	CE	N° PQ	Protocol Question PQ - CMA	Protocol Question PQ – From ICVM performed in Colombia in 2011
<u>LEG</u>	<u>1</u>	<u>X.XXX</u>	<u>Has the State established and implemented a State Safety Programme (SSP) to require the service providers a Safety Management System (SMS) in accordance with Annexes 1, 6, 8, 11 and 14?</u>	←This question does not exist to date in the protocols (ICVM or CMA). Proposed by Colombia.
<u>LEG</u>	<u>7</u>	7.033	Has the State established a safety oversight system for ensuring the effective implementation of safety-related policy and procedures to the service providers under Annexes 1, 6, 8, 11 and 14?	ANS 7.033 Has the State established a safety oversight system for ensuring the effective implementation of safety-related policy and procedures in the air navigation fields?
<u>LEG</u>	<u>2</u>	7.161	Has the State established a safety management system?	ANS 7.161 Has the State established a safety programme, in order to achieve an acceptable level of safety in the provision of ATS?
<u>LEG</u>	6	7.169	Has the State approved the safety management system of aviation service providers?	ANS 7.169 Does the State ensure that the ATS provider has implemented a safety management system acceptable to the State?

ÁREA	CE	N° PQ	Protocol Question PQ - CMA	Protocol Question PQ – From ICVM performed in Colombia in 2011
<u>LEG</u>	7	7.171	Does the State carry out oversight of the safety management <u>systems</u> ?	ANS 7.171 Does the State carry out oversight of the ATS safety management system?
<u>LEG</u>	6	7.175	Does the State ensure that the safety management system established by <u>aviation service provider</u> is characterized by an active approach?	ANS 7.175 Does the State ensure that the safety management system established by the ATS provider is characterized by a proactive approach?
<u>LEG</u>	6	7.177	Does the State ensure that the safety management system developed by <u>aviation service providers</u> includes provisions for safety assessment to be carried out for any safety-related change to the ATS system?	ANS 7.177 Does the State ensure that the safety management system developed by the ATS provider includes provisions for safety assessment to be carried out for any significant safety-related change to the ATS system?
<u>LEG</u>	4	7.179	Does the State ensure that proper provisions are made for post-implementation monitoring to verify that the defined level of safety continues to be met?	ANS 7.179 Does the State ensure that provisions are made for post-implementation monitoring to verify that the defined level of safety continues to be met?
<u>LEG</u>	6	7.181	Does the State ensure that the safety management system developed by the <u>aviation service provider</u> clearly defines lines of responsibility, including direct accountability for safety on the part of senior management?	ANS 7.181 Does the State ensure that the safety management system developed by the ATS provider clearly defines lines of responsibility, including direct accountability for safety on the part of senior management?
<u>LEG</u>	7	7.183	Does the State ensure that safety reviews are being regularly conducted by the service provider?	ANS 7.183 Does the State ensure that safety reviews are being regularly conducted by the service provider?
<u>LEG</u>	6	7.185	Does the State ensure that appropriately qualified personnel are available at the level of the service provider to conduct safety reviews?	ANS 7.185 Does the State ensure that appropriately qualified personnel are available at the level of the service provider to conduct safety reviews?

#### 4. DISCUSSION

4.1 The proposal presented in paragraph 3 is based on:

- a) Annex 19, which identifies the Air Navigation Services (ANS) as service providers;
- b) ANS do not exercise authority (do not regulate nor oversee regulation compliance);
- c) the authority and the service provider are the same institution in some States; however, this does not mean that by being part of the same institution it becomes the authority (i.e. ANS);

- d) the questionnaires on ANS overshadow the State responsibility on balanced requirements to be required over other service providers;
- e) taking into consideration the USOAP principles such as transparency and disclosure, all-inclusiveness and fairness, it is important to point out that ANS is just one of the civil aviation service providers; and
- f) the proper location of the protocol questions in the questionnaires regarding Annex 19 in the audit protocols, allows the State to perform internal audits, with a better approach and clarity.

## 5. CONCLUSION

5.1 The Civil Aviation Authority of Colombia regards the audits as highly important, as well as having a positive and immense impact on the State's aviation sector. In this way Colombia presents this working paper for the consideration of the Assembly, in support of Annex 19 implementation.

5.2 The Civil Aviation Authority of Colombia invites the Assembly to take into consideration the amendments presented by Colombia and to request the Council to analyse, based on the existing CMA resources, the appropriate changes.

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