



ICAO

# INTERNATIONAL CIVIL AVIATION ORGANIZATION

A UN SPECIALIZED AGENCY

Dakar, Senegal 7-11 August 2023

Workshop on Regional Safety  
Oversight Organizations (RSOOs)  
and regional Aircraft Accident  
Investigation Organization (RAIO)  
Implementation Support to States

REGULATORY FRAMEWORK

# Outline

## Regulatory framework (Chicago Convention, Annexes, and ICAO Docs)

**01** - Community Legal Framework

**02** - Guidelines for providing Technical Assistance on State Safety Oversight System - (Ce-1 to Ce-8)

**03** - Updates of USOAP CMA 2020 Protocol Questions

01  
Community  
Legal  
Framework



## → Autorités Africaines et Malgaches d'Aviation Civile (AAMAC)

- **Benin, Burkina Faso, Cameroun, Centrafrique, Union des Comores, Congo, Côte d'Ivoire, Gabon, Guinée Bissau, Guinée Equatoriale, Madagascar, Mali, Mauritanie, Niger, Sénégal, Tchad et Togo**
- **Traité signé à Ndjamena le 20 janvier 2012**
  - **Article 1**

Le présent traité vise à :

(b) Aider les parties à remplir leur leurs obligations au titre de la Convention de Chicago, ... **notamment, dans le domaine de la navigation aérienne ...**
  - **Article 6**

Les AAMAC sont chargées d'exécuter les tâches suivantes:

(a) **élaborer tous les règlements** propres à réaliser les objectifs de l'article 3, ainsi que les documents interprétatifs permettant d'en faciliter la compréhension et la mise en œuvre;

(b) élaborer les procédures que les Autorités compétentes doivent suivre pour assurer une application effective et uniforme des règlements mentionnés ci-dessus;

(c) assister les Parties dans la mise en œuvre des règlements et procédures susvisés en organisant le cas échéant, la mise en place d'un groupe d'experts composé de personnels de l'organisation elle-même, des Parties ou d'organismes externes spécialisés;

## → Banjul Accord Group (BAG)

- **Cabo Verde, The Gambia, Ghana, Guinea, Liberia, Nigeria and Sierra Leone**
- Two independent bodies are established under the BAG
  - **Banjul Accord Group Aviation Safety Oversight Organization (BAGASOO); and**
  - **Banjul Accord Group Accident Investigation Agency (BAGAIA)**

These two entities develop common set of regulations to transpose into BAG member States national regulations, the provisions of Annexes to the Chicago Convention and common set of guidance materials for the use by member States

## → Civil Aviation Safety and Security Oversight Agency (CASSOA)

- Protocol on the establishment of the East African Community Civil Aviation Safety and Security Oversight Agency

### ➤ Article 3 Establishmet and Status of the Agency

2. The Agency is established as a self-accounting Institution of the Community

### ➤ Article 5 Functions pf the Agency

- (a) Strengthen the institutional framework within the Partner States in aviation safety and security and assist in the development of a harmonized regulatory regime for the Partner States
- (b) Coordinate civil aviation safety and security oversight activities amongst Partner States
- (g) Assist the Partner States to meet or comply with ICAO SARPs, national standards and regulations in force

## ➔ Civil Aviation Safety and Security Oversight Agency (CASSOA)

- EAC Civil Aviation Safety and Security Oversight Agency Act 2009

### ➤ Article 8

2. Without limiting the generality of sub section (1), the Board shall

- d) Formulate civil aviation safety and security regulations for approval by the Partner States and use by the Partner States and the Agency
- e) Approve civil aviation safety and security guidance materials and procedures for use by the Partner States and the Agency

## → CEMAC

- **Cameroun, Centrafrique, Congo, Gabon Guinée Equatoriale, Tchad**

- **Treaty Revised on 28 June 2008**

### ➤ Article 41.-

- Les actes additionnels sont annexés au Traité de la CEMAC et complètent celui-ci sans le modifier. Leur respect s'impose aux Institutions, aux Organes et aux Institutions Spécialisées de la Communauté ainsi qu'aux autorités des Etats membres.
- Les règlements et les règlements cadres ont une portée générale. Les règlements sont obligatoires dans tous leurs éléments et directement applicables dans tout Etat membre.
- Les règlements cadres ne sont directement applicables que pour certains de leurs éléments.
- Les directives lient tout Etat membre destinataire quant au résultat à atteindre tout en laissant aux instances nationales leur compétence en ce qui concerne la forme et les moyens.
- Les décisions sont obligatoires dans tous leurs éléments pour les destinataires qu'elles désignent.
- Les recommandations et les avis ne lient pas.



## → CEMAC

### ➤ Article 56.-

- Tout Etat africain peut être associé à une ou plusieurs politiques de la Communauté.
- Les conditions d'une telle association font l'objet d'un accord entre l'Etat demandeur et la Communauté.
- L'accord est conclu au nom de la Communauté par le Président de la Commission, sur recommandation du Conseil des Ministres après avis de la Cour de Justice Communautaire.
- Règlement n° 07/12-UEAC-066-CM-23 du 22 Juillet 2012 portant Code de l'Aviation Civile de la Communauté Economique et Monétaire de l'Afrique Centrale.
- Règlement n° 29/19-UEAC-ASSA-AC-CM du 18 décembre 2019 portant approbation du Règlement de base de l'ASSAC-AC fixant les règles communes dans le domaine de l'aviation civile et réorganisant l'Agence de Supervision de la Sécurité Aérienne en Afrique Centrale (ASSAC-AC) abrogeant le Règlement n° 06/12-UEAC-204-CM-22 du 22 Juillet 2012

## → EAC

- **Burundi, Kenya, Rwanda, Tanzania, Uganda**
- **Treaty for the establishment of the East African Community (EAC) signed on 30th 1999 amended on 14th December 2006 and 20th August 2007**

### ➤ Article 4 Legal Capacity of the Community

- Does not vet EAC with any empowering force on the Partner States

### ➤ Article 92 Civil Aviation and Civil Air Transport

1. The partners shall harmonize their policies on civil aviation ...
2. The partners shall in particular:
  - (d) Harmonize civil aviation rules and regulations ...
  - (l) Adopt common aircraft standards and technical specifications for the types of aircraft to be operated in the Community

## → SADC Aviation Safety Organization (SASO)

- **Angola, Botswana, Democratic Republic of Congo, Eswatini, Lesotho, Malawi, Madagascar, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia, Zimbabwe**

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The partners shall in particular:

(d) Harmonize civil aviation rules and regulations ...

(l) Adopt common aircraft standards and technical specifications for the types of aircraft to be operated in the Community

## → UEMOA

- Benin, Burkina Faso, Cote d'Ivoire, Guinea Bissau, Mali, Niger, Senegal and Togo

- Treaty Revised on 29 January 2023

### ➤ Article 24

- Le Conseil peut déléguer à la Commission l'adoption des règlements d'exécution des actes qu'il édicte.
- Ces règlements d'exécution ont la même force juridique que les actes pour l'exécution desquels ils sont pris.

### ➤ Article 43

- Les règlements ont une portée générale. Ils sont obligatoires dans tous leurs éléments et sont directement applicables dans tout Etat membre.
- Les directives lient tout Etat membre quant aux résultats à atteindre.
- Les décisions sont obligatoires dans tous leurs éléments pour les destinataires qu'elles désignent.
- Les recommandations et les avis n'ont pas de force exécutoire.

REGLEMENT N°08/2013/CM/UEMOA PORTANT  
ADOPTION DU CODE COMMUNAUTAIRE DE L'AVIATION  
CIVILE DES ETATS MEMBRES DE L'UEMOA

## → UEMOA

- **"Membre associé"** : tout Etat admis à participer à certaines politiques de l'Union conformément aux dispositions de l'article 104 du présent Traité ;

### ➤ Article 104 (modifié)

- Tout Etat africain peut demander à participer à une ou plusieurs politiques de l'Union en qualité de membre associé.
- Les conditions d'une telle association font l'objet d'un accord entre l'Etat demandeur et l'Union, après avis conforme du Parlement de l'UEMOA.
- L'accord est conclu par la Conférence des Chefs d'Etat et de Gouvernement.

# Regulatory framework (Chicago Convention, Annexes, and ICAO Docs)

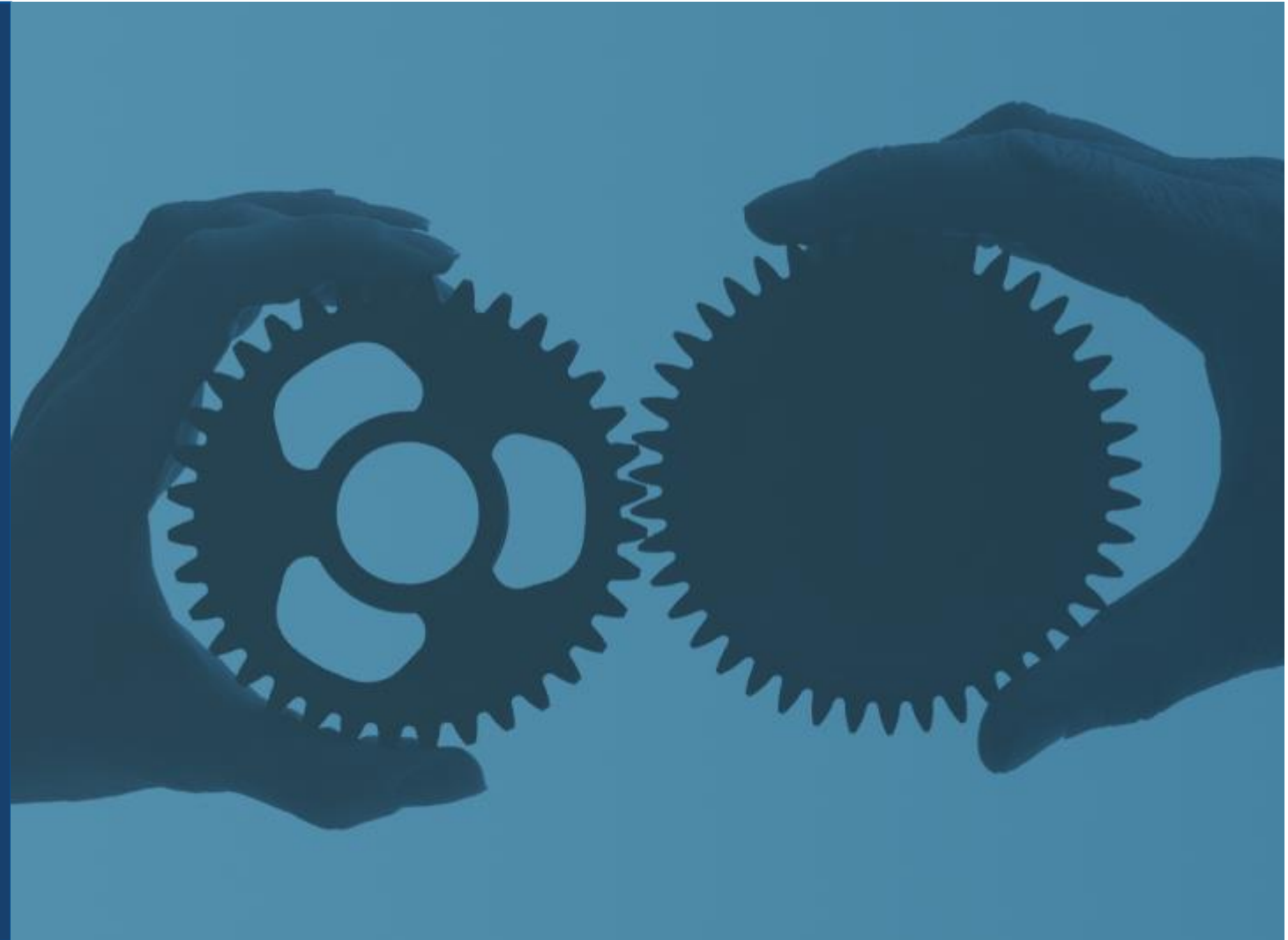
## → Roles of ICAO, RSOOs and States

ICAO	RSOOs/RAIOs	STATES
<ul style="list-style-type: none"><li>• Develops policies and Standards</li><li>• Undertakes compliance audits</li><li>• Performs studies and analyses</li><li>• Provides assistance and builds aviation capacity through many other activities and the cooperation of its Member States and stakeholders.</li></ul>	<ul style="list-style-type: none"><li>• Assist its member States by developing a <b>generic set of civil aviation legislation and regulations</b> for member States to adapt and use to harmonize their own national legislation and regulations.</li><li>• Develop a set of <b>implementing standards and procedures</b> in support of the harmonized regulations.</li><li>• Creation of a regional <b>pool of qualified investigators/ inspectors</b></li><li>• Assist and provide <b>support</b> to the State of Occurrence on <b>investigation of major accidents, non-major accidents or incidents</b> in States</li><li>• Assist in establishment of an <b>effective accident and incident investigation and prevention system</b> that meets the States' obligations</li></ul>	<ul style="list-style-type: none"><li>• Implement Annex SARPs</li><li>• Fulfill their safety oversight responsibilities by implementing the eight critical elements</li><li>• Implement aviation infrastructure according to regional plans</li></ul>

02

**Guidelines for  
providing Technical  
Assistance on State  
Safety Oversight  
System - (Ce-1 to Ce-8)**

General  
Legal & Regulatory  
Organisation



# Outline

## Guidelines for providing Technical Assistance on State Safety Oversight System - (Ce-1 to Ce-8)

### 01 - INTRODUCTION

- GENERAL
- LEGISLATIVE FRAMEWORK
- CIVIL AVIATION ORGANISATION

### 02 - STATE SAFETY OVERSIGHT SYSTEM (SSO) ASSESSMENT

- ESTABLISHMENT CRITICAL ELEMENTS (CEs)
- IMPLEMENTATION CRITICAL ELEMENTS (CEs)

### 03 - COORDINATION ACTIVITIES

### 04 - QUESTIONS



- Guidelines

Establishes the approach to conduct assistance activities in States to ensure the obligations under the Chicago Convention and its related Annexes are met

- Regional Office Safety Team (ROST) objectives

- Enhance States Safety Oversight System,
- Build State capabilities
- Prevent safety concerns, and
- Resolve any safety deficiency identified



## • Roles and Responsibilities



### → Subject Matter Expert

- **Analyze the State SO system** establish in the State
- **Identify deficiencies** related to CE1 to CE8 and provide necessary guidance and **recommendation to address** the deficiencies
- **Assist in the development and implementation of an effective plan of action** and associated documentation



### → WACAF Regional Officer

- **Coordinate the implementation activities**
- Coordinative with HQ capacity building activities
- Support the assistance activities to States, as needed
- .....

**Note: SMEs providing assistance should avoid dismantling the existing SSO system to rebuild a new one.**

- Legislation

Obligation under Article 12 CC to adopt measures to ensure safety  
Legal basis to establish and empower CAA and promulgate specific operating regulations

Act to address:

- organisation, administration, and general powers and duties
- registration of aircraft and maintenance of a registry
- safety regulation by the Authority,
- power of inspection
- enforcement actions
- economic regulation



- Organisation – Coordination with Accident Investigation Authority
- **Coordination on Family Assistance: requirements and Plan (CAA/AIA/other Stakeholders)**
  - Designation of the Coordinating entity and coordination mechanisms with all stakeholders
  - Development of Family Assistance Plan at the level of the State and exercises to be conducted
  - Development of provisions in the empowering legislation of each entity responsible for providing Family assistance
  - Internal procedures for each entity on family assistance activities
  - Service provider (operators and airport) requirements for the development and coordination of family assistance

- Organisation – Coordination with Accident Investigation Authority
  - **MoU between the CAA and AIA**
    - Secondment of Staff and measures to avoid Conflict of interest
    - Coordination activities (SSP, family assistance, mandatory and voluntary occurrence reporting)
    - Sharing of information ( acc, incidents, staff training, service providers information, etc)
    - Protection of safety data and information and associated sources (provisions of Annex 19 and Annex 13)

# 03 UPDATES OF USOAP CMA 2020 PROTOCOL QUESTIONS



# Outline

## Updates of USOAP - CMA 2020 Protocol Questions

**01 - 2020 PQ amendment**

**02 - Priority PQs (PPQs)**

**03 – Other changes**

**04 - Highlight of changes (LEG/ORG PQs)**

**05 – Q&A**

## → 2020 PQ amendment - revision cycle

- It's usually to reflect changes to ICAO provisions and associated Guidance Material.
- References on PQ amendment process is contained in section 2.7.6 of Doc 9735. (fourth ed. 2014)



## → 2020 PQ amendment

- **Group of Experts for a USOAP CMA Structured Review (GEUSR)**

- The 39th Session of the ICAO Assembly (2016) recognized that the USOAP CMA had brought significant benefits to ICAO and States and recommended that ICAO should undertake a review of the USOAP CMA methodology, processes and tools to provide Member States with an opportunity to provide user feedback and enable ICAO to plan improvements to the programme. Following this outcome, ICAO established, in early 2017, the Group of Experts for a USOAP CMA Structured Review (GEUSR).

## → 2020 PQ amendment - GEUSR Recommendations

- 6 groupings comprising 37 recommendations.
  - Group A:** Structured revision of the Protocol Questions
  - Group B:** Priority Protocol Questions
  - Group C:** Types and Prioritization of USOAP activities
  - Group D:** Presentation of State Indicators
  - Group E:** Training and guidance
  - Group F:** Tools enhancements (OLF)

## → 2020 PQ amendment - GEUSR Recommendations : ICAO Council Approval

- During its 214th Session, the ICAO Council (C-DEC 214/5) approved the recommendations made by the GEUSR and requested the Secretariat to present an update of the evolution of the USOAP CMA to the Thirteenth Air Navigation Conference (AN-Conf/13)

## → 2020 PQ amendment - GEUSR Recommendations : An-Conf/13 Recommendations

- **Recommendation 6.3/1** — Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)

...

**That ICAO:**

...

**f) implement as a matter of priority the GEUSR recommendations** regarding the structured revision of the PQs (Group A recommendations) and the identification of 'Priority PQs' (Group B recommendations);

## → 2020 PQ amendment - GEUSR Recommendations: Assembly Resolution A40-13

A40-13: The Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)

...

*The Assembly:*

...

3. *Directs* the Secretary General to implement organizational improvements necessary to successfully manage the changes brought about by the long-term evolution of the programme, in line with the recommendations of the Group of Experts for a Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) Structured Review (GEUSR) as agreed by the Council and of the AN-Conf/13;

# Updates of USOAP - CMA 2020 Protocol Questions

## → 2020 PQ amendment - 2020 edition vs 2017 edition of PQs

	2017 PQs						2020 PQs			
	Total No. (2017)	Number of					TOTAL No. (A+B+C+D)	NUMBER OF		
		Deleted	Revised (A)	Merged (B)	No Change (C)	New (D)		PPQ	ON-SITE	OFF-SITE
LEG	23	0	23	0	0	0	23	14	3	20
ORG	14	2	11	1	0	1	13	5	9	4
PEL	99	10	48	7	34	4	93	35	71	22
OPS	146	21	85	12	28	1	126	34	91	35
AIR	210	26	79	5	100	2	186	33	102	84
AIG	104	21	21	19	43	1	84	24	46	38
ANS	179	69	71	27	12	12	122	27	97	25
AGA	168	29	43	17	79	4	143	40	106	37
	<b>943</b>	178	381	88	296	25	<b>790</b>	212	525	265

## → 2020 PQ amendment - Migration to 2020 edition of PQs

- No Change: State continue to update its CAP (if PQ is N/S) and self-assessment
- Deleted: no more action from State is required
- Revised: if N/S, finding will remain the same; but State needs to update its self-assessment
- Merged: status precedence will be N/S – U – S – N/A
  - Progresses Documented merge; if multiple validations happened, the latest progress prevail.
- New: State needs to submit its self-assessment

## → 2020 PQ amendment - Validation of a merged “N/S” PQ

- If a merged PQ has received multiple validation activities and the planned activity is another validation, some findings may be in the “Description Box” as well as the “Progress Box”. This has to be considered.
- Example, PQ 1 was N/S in audit, PQ 2 was validated and still N/S in “Progress Box”. The resulting merged PQ has to factor into account both findings.
- The TM Briefing PPTs will be updated to reflect.

## → 2020 PQ amendment - Validation of a merged “N/S” PQ – an Example

PQ	PQ Status	Description Box (findings)	Progress Documented Box
7.067	NOT SAT	XXX	<i>ZZZ</i>
7.069	NOT SAT	YYY	<i>Empty</i>
7.071	SAT	“satisfactory”	<i>Empty</i>



PQ	PQ Status	Description Box (findings)	Progress Documented Box
7.067	NOT SAT	XXX YYY	<i>ZZZ</i>



## → Priority PQs - GEUSR recommendations:

- Group A: 7 recommendations regarding the **structured revision of the protocol questions**
  1. Conduct a one-off exercise to identify and remove questions from the USOAP CMA not directly related to safety oversight or accident investigation...
  2. Establish a policy to exclude from the USOAP CMA PQs that reference only Annex 9, 16 and 17.
  3. Identify PQs whose meaning is already captured in other existing PQs and combines them as necessary...
  4. Ensure a balanced distribution/ratio across “establishment/implementation” PQs, audit areas and CEs...
  5. Identify and remove PQs whose requirements extend beyond ICAO Standards...
  - 6. Aim to reduce the total number of PQs through the PQ rationalization exercise as described in Recommendations 1 to 5 by 10-20%.**
  7. Aim to keep the number of PQs to not more than the number reached after completion of the PQ rationalization exercise recommended in Recommendations 1 to 6 above. This limit in the number of PQs should be maintained going forward.

## → Priority PQs - GEUSR recommendations:

- Group B: 2 recommendations regarding the priority protocol questions (PPQs)
  8. Identify a set of priority PQs that, when resulting in a low EI score, would indicate a lack of capability of the State to effectively identify and resolve safety deficiencies. This subset of PQs should be identified from the existing PQs using the following criteria:
    - a) include those PQs directly related to the identification of SSCs and the enablers for those SSC-related PQs;
    - b) include PQs on aspects which, if not implemented, may leave safety issues unidentified or unresolved;
    - c) constitute a self-sufficient set of PQs of approximately 20-25% of the total PQs, which would enable a focused audit;
    - d) reflect a balanced number across the audit areas and sub-areas;
    - e) focus on PQs with implementation aspects (“implementation PQs”), but include relevant establishment PQs; and
    - f) only include PQs applicable to the majority of States.
  9. Take the necessary actions to inform States of the expectation to complete and update their self-assessments of the priority PQs. The level (quantitative and qualitative) of the PQ self-assessment should be added to the list of indicators used to prioritize USOAP CMA activities.

## → Priority PQs - Definition:

A subset of PQs, which, if found not satisfactory, may indicate a lack of capability by a State to identify and/or resolve operational safety and fundamental accident investigation deficiencies effectively.

# Updates of USOAP - CMA 2020 Protocol Questions

➔ Priority PQs (PPQ) by audit area:

Audit area	2017 PQs	2020 PQs			
	Total No.	Total No.	Number of		
			PPQ	On-Site	Off-Site
LEG	23	23	14	3	20
ORG	14	13	5	9	4
PEL	99	93	35	71	22
OPS	146	126	34	91	35
AIR	210	186	33	102	84
AIG	104	84	24	46	38
ANS	179	122	27	97	25
AGA	168	143	40	106	37
	<b>943</b>	<b>790</b>	<b>212</b>	<b>525</b>	<b>265</b>

# Updates of USOAP - CMA 2020 Protocol Questions

## ➔ Priority PQs (PPQ) by CE:

	2020 PQs		CE-1		CE-2		CE-3		CE-4		CE-5		CE-6		CE-7		CE-8	
	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ	TOTAL	PPQ
<b>LEG</b>	23	14	14	9	6	5	0	0	0	0	3	0	0	0	0	0	0	0
<b>ORG</b>	13	5	0	0	0	0	9	4	2	1	2	0	0	0	0	0	0	0
<b>PEL</b>	93	35	0	0	13	6	6	1	7	0	10	2	40	22	10	4	7	0
<b>OPS</b>	126	34	3	0	11	4	10	1	5	2	20	1	56	22	14	4	7	0
<b>AIR</b>	186	33	0	0	41	5	14	1	12	3	37	10	59	11	10	2	13	1
<b>AIG</b>	84	24	8	4	11	5	10	2	4	1	42	7	0	0	0	0	9	5
<b>ANS</b>	122	27	3	0	6	2	16	0	14	0	2	0	27	7	47	18	7	0
<b>AGA</b>	143	40	2	1	21	6	7	2	7	2	14	1	51	17	32	9	9	2
	790	212	30	14	109	33	72	11	51	9	130	21	233	79	113	37	52	8

## → Priority PQs (PPQ) - Use of PPQs

- PPQs will assist States by providing them with an overview of those PQs with greater direct relationships to risks that are necessary to be addressed for the establishment and implementation of their safety oversight systems.
- PPQs are not a replacement for the entire cadre of protocol questions, which continues to be essential in a comprehensive assessment of the effectiveness of a State's safety oversight system.
- **Not-satisfactory PPQs in the areas of PEL, OPS, AIR, ANS & AGA, should be an alert to TM of existence of SSC, particularly when multiple PPQs are not-satisfactory.**

## → Other Changes reflected in the 2020 amendment of the PQs

- Changes to SARPs and associated Guidance Material;
- New Standards (new PQs added);
- Reference updates/correction (e.g. added A19 in the references)
- Question/Guidance revised for clarity (e.g. increase clarity, correct inaccuracies, removal of unnecessary/un-relevant items, etc.)

## → Highlight Changes to LEG/ORG PQs are not significant:

- Reference revised (mostly)
- Question/Guidance revised for clarity (some)
- New PQ (only 1, in ORG)

- LEG PQs (highlight of changes)
- ORG PQs (highlight of changes)





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Thank You!