



WORKING PAPER

ASSEMBLY — 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 29: Aviation Safety and Air Navigation Regional Implementation Coordination Mechanisms

GLOBAL AVIATION SAFETY OVERSIGHT SYSTEMS (GASOS) – PACIFIC CONTEXT

(Presented by New Zealand)

EXECUTIVE SUMMARY

New Zealand supports the GASOS approach in principle but acknowledges that further work should be undertaken to better understand the costs and benefits of GASOS for regions, States and the aviation industry, and what priority should be given by ICAO to the potential GASOS implementation.

Action: The Assembly is invited support the GASOS approach in principle but acknowledge that further work needs to be undertaken to determine the costs and benefits of GASOS for regions, States and the aviation industry, and what priority should be given by ICAO to potential GASOS implementation.

<i>Strategic Objectives:</i>	This working paper relates to the Strategic Objectives on Safety.
<i>Financial implications:</i>	
<i>References:</i>	

1. INTRODUCTION

1.1 New Zealand supports the development of the global aviation safety oversight system (GASOS) in principle, which has the potential to improve the performance of Safety Oversight Organisations (SOOs) and Accident Investigation Organisations (AIOs).

1.2 GASOS could be a useful tool to support the robustness and performance of Regional Safety Oversight Organisations (RSOOs) to assist Pacific Island States to raise the safety performance of civil aviation in the region, through improved regulatory effectiveness.

1.3 New Zealand notes the work undertaken by the ICAO GASOS Study Group following the Thirteenth Air Navigation Conference, to examine legal liability and risk, governance and capability challenges, and cost-benefit issues associated with GASOS.

2. THE PACIFIC CONTEXT

2.1 All Pacific Island States understand and appreciate the importance of safe, secure and efficient air transport to support the delivery of social services and economic activity that build sound economies and communities.

2.2 Many Pacific Island States have low Effective Implementation (EI) scores, a measure of their capacity for safety oversight. This is especially true for Pacific Small Island Developing States (PSIDS), whose aviation safety performance poses more challenges than in other regions.

2.3 New Zealand is committed to assisting Pacific Island States to further their economic, social and environmental development. New Zealand provides technical assistance and capability building programmes to help improve the effectiveness of civil aviation safety oversight in the region.

2.4 The widespread adoption of the New Zealand Civil Aviation Rules (CAR) amongst Pacific Island States assists this work by providing harmonised regulations for a safe aviation system.

2.5 New Zealand has supported the development of Pacific Aviation Safety Office (PASO) since its inception. PASO employs and manages a small number of technical personnel who respond to requests for assistance by member States. Where those staff are not able to provide the necessary assistance, the Civil Aviation Authority of New Zealand (CAANZ) provides support where it can.

3. GASOS IN THE PACIFIC

3.1 Where individual Pacific Island States may not have the capacity or capability to provide adequate oversight, Regional Safety Oversight Organizations (RSOOs) may be able to take on these responsibilities and improve overall safety performance.

3.2 This approach is consistent with ICAO's *No Country Left Behind* initiative.

3.3 GASOS may be a useful mechanism to accredit the work of PASO (or other RSOOs that may be established in the region), which continues to build its capability.

4. LEGAL LIABILITY AND RISK

4.1 As noted in the April 2019 draft GASOS Concept of Operations (CONOPS), where States delegate certain safety functions to a SOO/AIO, they remain responsible for ensuring that their safety obligations are properly discharged.

4.2 Acknowledging that analysis by the ICAO Legal Affairs and External Relations Bureau has identified that GASOS is compatible with the ICAO Convention and poses no liability risks to ICAO for implementation of GASOS Levels 1 and 2, New Zealand believes further work is still required on legal liability and transfer of risk between SOOs/AIOs and States.

4.3 In particular, New Zealand considers further work to determine the extent of accountability a SOO/AIO would have in respect of any delegation of safety oversight functions by a State, and the extent of shared liability, is required. Without clarity around this point, there is a risk that States will be reluctant to delegate safety oversight functions, especially at Levels 2 and 3.

5. GOVERNANCE AND CAPABILITY CHALLENGES

5.1 In both the formal delegation of functions to a SOO/AIO, and ongoing assurance of a SOO/AIOs performance, a State must have the appropriate resources and expertise to ensure it continues to meet its responsibilities for safety oversight.

5.2 For those States that do not have the necessary capability or resource (in particular a sustainable funding source that is directed towards aviation safety oversight) to undertake their safety functions, delegating these functions via GASOS may not relieve those States of their capability/resource challenge, given their continuing responsibilities.

5.3 Clarity is therefore required on how States will be supported to carry out their ongoing assurance of GASOS-recognised SOOs/AIOs.

5.4 This support could come from better resourced States, or ICAO directly. But further work is necessary to consider how these arrangements would work in practice, and their benefit, when considering the work already undertaken by more capable States to support those with lesser capability (such as by New Zealand in the Pacific).

5.5 In the Pacific region, PASO continues to build its capability and capacity in relation to the safety functions of an RSOO; or those functions that could be delegated under GASOS. Focus should therefore be directed to improving the capability of PASO, prior to efforts to delegate further responsibilities via GASOS. PASO will continue to need the support of states to consolidate and strengthen its capacity and capability.

5.6 Consideration also needs to be given to the sovereignty and governance complexities of the Pacific region, and their impact on future State oversight of an approved SOO.

6. COST-BENEFIT ANALYSIS

6.1 While the general GASOS concept has merit, any cost-benefit analysis (CBA) associated with GASOS needs careful consideration. It must be built on credible assumptions and clearly demonstrate the marginal gains that GASOS would deliver to States, over and above those already achieved through individual States using existing regional safety organisations. For example, what additional functions would States delegate to a regional organisation as a result of GASOS, potentially providing further resource savings?

6.2 It is essential that clear, quantifiable benefits are demonstrated, to both support decision-making by States in their oversight efforts of a SOO/AIO, and to determine what priority should be given to GASOS by ICAO compared to other measures to improve safety performance, in particular for States with smaller levels of traffic and less aviation resources.