



ICAO

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Agenda Item 3: Aerodrome Certification and Safety Management System

PROCEDURES FOR ACCEPTING NON-COMPLIANCES

(Presented by Nepal)

SUMMARY

This paper presents the information which is useful for the development of generic guidance for the acceptance of non-compliance of aerodrome operators.

1. INTRODUCTION

1.1 An Aerodrome certificate holder is expected to comply with the national rules and standards as well as the Standards and Recommended Practices of ICAO Annex 14, Volume I and relevant ICAO documents. There may be some circumstances where requirements have not been followed at an existing aerodrome due to physical constraints where the facility had been provided earlier as per old regulations and continued to be in operation. Furthermore, non-compliances may exist because the infrastructure of aerodromes have developed over time, because of the evolving nature of the relevant guidelines, as well as the staff fluctuations among the accountable parties at aerodromes. Similarly, in some cases, compliance is not possible even for a new aerodrome due to physical constraints, technical or economic difficulties.

1.2 At existing aerodromes where full compliance with standards cannot be achieved, alternative measures will be required to achieve a similar level of safety performance. The aerodrome regulators and operators need to follow the specified procedures to be applied to both initial aerodrome certification and continuous aerodrome safety oversight, as well as aerodrome compatibility studies where full compliance with the SARPs in Annex 14, Volume I, cannot be achieved.

Non-Compliances

1.3 Non-compliances are mainly found in infrastructural elements and in operational elements. The infrastructural elements concerned include aeronautical data, approach and departure surfaces, visual and non-visual aids, electrical power supply systems for air navigation services, runway end safety area (RESA), runway strip fencing, mandatory instruction signs, runway/taxiway markings, taxiways, inadequate taxiway fillet, and width of runway. Similarly, operational elements concerned include aerodrome emergency planning, aerodrome maintenance, rescue and firefighting, meteorological services, low visibility operations etc. A number of non-compliances exist because of the lack of standardized procedures for the systematic recording of deviations from the design and operating requirements.

1.4 The most common non-compliant elements to the ICAO SARPs at medium and large aerodromes are runway strips, RESA, separation distance between the runway and parallel taxiways approach surface, and mandatory instruction signs. There may be further non-compliances in relation to aerodrome maintenance, aerodrome emergency planning, electrical power supply system,

aeronautical data specifications and obstacle limitation surfaces. Aerodrome operators sometimes are not aware of possible infringements of the obstacle limitation surfaces as per ICAO SARPs. The main reasons are the lack of well-defined responsibility for the assessment of obstacles and the relative complexity of the task.

1.5 The tools most frequently used to evaluate non-compliance to national or international regulations are either audits by the competent authorities during the certification process or internal SMS audits.

Purpose

1.6 The purpose of the procedure is to harmonize the certification of aerodromes which do not conform to all SARPs contained in the Annex 14, Volume I.

1.7 When non-compliances are present, the effect on safety needs to be analyzed and compensatory measures and/or limitations on its use to mitigate any non-compliance have to be established. The harmonization of this aspect of the certification process is therefore important for ensuring safety. Aeronautical study or risk assessment should be conducted before granting exemptions for non-compliances.

1.8 The above mentioned situations require procedures for accepting non-compliance in respect of a certified aerodrome.

2. DISCUSSION

Procedure for accepting non compliances

2.1 One of the aims of a management system is to ensure compliance with all relevant and applicable legal requirements, technical rules and procedures. Ensuring compliance with the requirements for aerodrome design, organizational factors, operations, and approved procedures, programs and plans, is a key element of maintaining safety levels. The ultimate goal is to require the non-compliances to be corrected and to deal with the situations where this is not possible, either due to physical constraints such as terrain etc.

2.2 The managing of non-compliances/deviations, generally jointly by the CAA and the aerodromes, has the following major considerations:

- Affected parameters (Standard or Recommendation);
- Differences between national and ICAO requirements;
- Extent of deviation;
- Traffic movements of the aerodrome;
- Safety culture at aerodromes and within the CAA; and
- Capability for evaluating the impact of deviations e.g. safety risk assessments.

2.2 When non-compliances are present, the effects on safety need to be analyzed and compensatory measures and/or limitations on its use to mitigate any non-compliance have to be established. The harmonization of this aspect of the certification process is therefore important for ensuring safety. Aeronautical study or risk assessment should be conducted before granting exemptions for non-compliances which is specified in ICAO Annex 14 Volume I and ICAO Safety Management Manual (Doc 9859) as Safety Assessment Process. Non-compliances are only accepted after mitigation measures have been established and implemented to the satisfaction of CAA, so that a similar level of safety performance could be achieved.

2.3 The aerodrome certificate holder shall submit separate application for each non-compliance in the prescribed format for seeking exemption. The application for exemption shall be made through the submission of a comprehensive safety assessment report, supported with the reasons for non-compliance, means of mitigation and indication as to when compliance can be achieved. Furthermore, the following points should be considered while requesting the exemption for non-compliances:

- Ensure that the exemption application is given proper consideration;
- Ensure that an exemption is absolutely necessary rather than a convenient method of circumventing the requirements;
- The reasons why the applicant needs the exemption. The reasons provided should be detailed and fulsome;
- If the application is for a renewal of an existing exemption, the application need not contain information which has been previously supplied. However, the application must include reasons why a renewed exemption is required; and
- Considerable research and investigation is often required.

2.4 In considering an application for a standard exemption, aerodrome regulator need to consider aviation safety as the paramount consideration. Keeping this in mind, aerodrome regulator may ask the applicant to provide further information, a copy of specific documents and undertake a test or tests of competence.

2.5 For the non-compliances related to ICAO Recommendations which have not been implemented into national legislation / regulations, they are not necessarily recognized as a non-compliance to national regulations, and may be accepted without further conditions subject to the policy of the respective CAA.

2.6 Operational restrictions are the most often mitigation measures for non-compliances. Safety assessments are mostly conducted to analyze the impact on safety. In aerodromes with less traffic throughput, non-compliances may be accepted with a simplified procedure. The same simplified procedure may be applied for very minor non-compliances at busier aerodromes which may only have minimal effect on aviation safety.

2.7 Once the non-compliance is accepted by CAA, the aerodrome operator shall be required to conduct annual review to ascertain that the mitigation measures are in place and effective. The review should also consider whether the non-compliance could be removed. The outcomes of the review are required to be documented in the report to be submitted to CAA for consideration.

3. ACTION BY THE MEETING

3.1 The meeting is invited to note the information presented in this paper which is useful for the establishment of generic procedures for accepting non-compliance.

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