



WORKING PAPER

ASSEMBLY — 39TH SESSION

TECHNICAL COMMISSION

Agenda Item 33: Aviation safety and air navigation monitoring and analysis

APPROVAL OF FOREIGN APPROVED TRAINING ORGANIZATIONS

(Presented by India)

EXECUTIVE SUMMARY

This Working Paper highlights the current requirement of following a detailed approval process of foreign approved training organizations (ATOs) in compliance with the *Manual on the Approval of Flight Crew Training Organizations* (Doc 9841), that needs a full approval process or a bilateral agreement between states and puts forth an alternative means of compliance through a proposal to amend Doc 9841 that reduces the duplicating of approval actions by identifying similarities and differences between the base or domestic civil aviation authority and the foreign or host state civil aviation authority with a supplementary oversight process as needed to satisfy the state's obligations.

Action: The Assembly is invited to:

- a) note the information in the paper;
- b) note the ongoing activity of developing an alternative means of compliance to approve foreign ATOs and India's participation in this activity;
- c) recognize the need and opportunity for to leverage host state approvals to issue approvals to foreign ATOs with reduced regulatory burden and improved efficiencies; and
- d) support development of the AMOC for foreign ATO approval.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	Nil
<i>References:</i>	Annex 1 — <i>Personnel Licensing</i> Doc 9841, <i>Manual on the Approval of Flight Crew Training Organizations</i> Doc 10046, <i>Report of the Second High-Level Safety Conference (2015)</i>

1. INTRODUCTION

1.1 Approval of a foreign approved training organizations (ATO) is currently carried out in accordance with the *Manual on the Approval of Flight Crew Training Organizations* (Doc 9841) and this requires full scope approval actions that do not take any credit of the host or foreign state approval actions except when a bilateral agreement exists between the two states with defined supplementary oversight conditions. This is often difficult to achieve, is lengthy to execute, resulting in duplicate approval actions.

1.2 India requests the Assembly's attention to this important issue and in order to fully leverage the host state approval actions of an ATO located in foreign territory, proposes an alternative method of compliance which is a simplified process based on amendment to Doc 9841.

2. DISCUSSION

2.1 ICAO Contracting States are obligated to approve training organizations that lead to issue of a license under ICAO Annex 1 — *Personnel Licensing*. Guidance for approval of ATOs is given in Doc 9841 wherein it is stated that approval of an ATO located outside a state's territory involves full scope approval actions unless a bilateral agreement exists with supplementary oversight conditions. This is often difficult to achieve, sometimes leading to situations where either no approval is issued and training undertaken in non-compliance with Annex 1 or else full scope approval actions applied with high cost and duplicate actions.

2.2 In March 2010, during the High Level Safety Conference, HLSC 2010-WP/9 titled "Recognition and validation of approvals and certifications issued by other States" was presented. The participants agreed that multiplicity of approval actions was leading to a regulatory burden that could potentially divert resources and adversely impact safety critical activities of states and industry. The Conference agreed that there was a need for a globally harmonized system of certification, approval or acceptance by a State, and that ICAO should establish groups of experts to develop the framework and conditions for the recognition of certificates, approvals or acceptance of air operator certificates (AOCs), AMOs, ATOs, safety management systems (SMS) and products.

2.3 In 2016, an expert group has been constituted at ICAO Headquarters Montreal that includes India besides the Federal Aviation Administration (FAA), the European Aviation Safety Agency (EASA), Brazil and training service providers in the first phase of group constitution and aircraft manufacturers in the second phase with addition of some more regulatory authorities. The first meeting was conducted from 27-28 Apr 2016, and the second planned in August 2016. The group is working to revise Doc 9841 to include an Alternative Means of Compliance (AMOC) that will aim to simplify the procedures to approve foreign ATOs.

2.4 The aim of providing an alternative means is develop efficiencies with reduced regulatory burden while expanding training facility avenues for States. The training needs of most States extend beyond organic training facilities in that State. The goal of the effort to present alternative means by the fourth quarter of 2016 in order for a revision to Doc 9841 to be made by early 2017.

2.5 The AMOC first recognizes that four entities are involved in foreign ATO approval/acceptance processes and procedures. There are two regulatory authorities, foreign or host civil aviation authority (CAA) that has issued the approval and the base or domestic CAA that is seeking to rely on part or whole of the approval and oversight carried out by the host CAA. The other two entities are the training organization (TO) and the self-sponsored/operator that is seeking to train at the TO. Of

these four, the self-sponsored/operator entity is not directly involved in the AMOC though that is the starting point of the training need for consideration of AMOC.

2.6 The approval process of a TO focuses on key elements of the TO that comprise of the organization, training programmes, courseware, instructors and examiners, flight simulation training device (FSTD) equipment, record keeping, quality management system (QMS) and SMS. A satisfactory evaluation of the key element leads to an approval being issued with specified conditions of approval, method of administration, inspections and surveillance. It is in the manner in which these key elements are evaluated for issue of an approval that lie the challenges and opportunities to harmonize activities between the host CAA and the base CAA. The first step is identifying a training need that is not available organically. The trigger for this step is the self-sponsored/operator who puts forward the request to train at a foreign ATO. At this stage, the base CAA carries out a preliminary assessment to determine if an ATO approval will be considered under the ICAO AMOC process. The foreign ATO should be capable of complying with the AMOC process. The base CAA then needs to establish with the foreign or host CAA if the host CAA will collaborate to support AMOC ATO approval.

2.7 Once the basic collaboration is established between the two CAAs, the TO will be informed by the CAA to determine the gaps between the host and base CAA ATO approval process and procedures. This is commencement of a 5-phase process of ATO approval. It is proposed that Doc 9841 will contain guidelines with examples that could be used as a template to facilitate this process, though this may not be required in all cases. The essential determination that the TO has to make is if the gaps come under category of “none”, “insignificant” or “significant” which will then lead to establishment of supplementary measures/conditions though which approval and oversight may be carried out. A conclusion may be drawn at this stage if ATO approval through AMOC is viable. If so, the TO should apply for AMOC with Doc 9841 as the basis in a formal meeting which marks completion of Phase 2 of the approval process. In Phase 3, the base CAA evaluates the applicant’s submission of documents including a compliance matrix based on foreign and base CAA regulatory requirements. The operator provides supplementary conditions and rationale for any differences in requirements. On completion of Phase 3, the next phase of inspections and demonstrations in Phase 4 commences. This phase is one where host regulatory framework and approvals can be leveraged to reduce the actual on site activity by the base CAA and largely depends on the degree of differences identified in the earlier phases. The base CAA will be able to conduct off-site validation of the submission, and accept the host CAA approval where appropriate. It will be evident that this phase is where the maximum benefits can be realized, and though some key activities such as FSTD evaluation and examiner authorization may still need on-site presence, this is expected to significantly reduce from the current case of full scope approvals or the lengthy alternate presently available through bilateral agreements. Phase 5 will lead to the ATO certificate being issued with the scope of approval and supplementary conditions defined.

2.8 The key objective of the AMOC is to streamline foreign ATO approval process and remove duplication by approval/acceptance (with conditions) of the host approval. It is expected that this will improve compliance for training of licensed personnel and ATOs. It will require the ATO to take responsibility and demonstrate continued compliance and a common understanding of the differences reached by the two CAAs along with the TO. The risks expected to be encountered include a perception of reduced standards, perception by the host state of increased burden without any tangible benefit, inadequate sharing of information etc. However, some of the risks may be mitigated by a strategy that leads to well-defined processes and procedures for CAA granting approval to a foreign ATO on the basis on Doc 9841, standardize such approval methodology through use of checklists and examples of differences matrix for regulations. Communication between two CAA’s could be based on a memorandum of understanding (MoU) or equivalent instrument that will include the extent of information that will be shared and circumstances therein along with associated responsibilities.

2.9 As approved personnel training continues to grow globally, demands on CAA's and TOs continue to increase. There is currently large variations in national process globally for providing foreign training to licensed personnel, and herein lies the opportunity to standardize and improve the quality of training and create efficiencies in resource utilization. In the overall analysis, it is expected that significant benefits in terms of regulatory compliance will be achieved along with economic benefits for all four entities involved in the ATO process.

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