

A32-WP/61
EX/23
6/7/98

INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY — 32ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 17: Safety Oversight

**TRANSITION TO THE
ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME**

SUMMARY

This paper presents a progress report on the implementation of the ICAO safety oversight programme, the results of the Directors General of Civil Aviation Conference held from 10 to 12 November 1997, and the ensuing actions taken by the Council and the Secretariat towards establishing an ICAO universal safety oversight audit programme, as recommended by the Conference. In paragraph 5 of the paper the Assembly is recommended to endorse the programme and, to this end, a draft Assembly Resolution is at the Appendix.

REFERENCES

Report of the Technical Commission (Doc 9658, A31-TE)
Assembly Resolutions in Force (as of 4 October 1995) (Doc 9662)

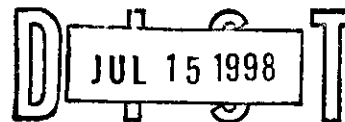
1. INTRODUCTION

1.1 The 31st Session of the Assembly (September 1995) reviewed a report on the implementation of Resolution A29-13 — *Improvement of safety oversight* and endorsed the establishment of the ICAO safety oversight programme and the mechanism for financial and technical contributions to the programme as approved by the Council at the seventh meeting of its 145th Session.

1.2 The ICAO safety oversight programme is aimed at ensuring the effective implementation by States of safety-related Standards and Recommended Practices (SARPs) and associated procedures in the areas of personnel licensing (Annex 1), operation of aircraft (Annex 6) and airworthiness of aircraft (Annex 8).

1.3 From 10 to 12 November 1997, a Directors General of Civil Aviation (DGCA) Conference was held at ICAO Headquarters in Montreal with the objectives of developing a global

(8 pages)



strategy on safety oversight and making the ICAO safety oversight programme more assertive and effective.

1.4 On 6 May 1998, at the second meeting of its 154th Session, the Council approved the establishment of an ICAO universal safety oversight audit programme, as recommended by the DGCA Conference.

1.5 This paper presents, for the consideration of the Assembly, a progress report on the implementation of the current ICAO safety oversight programme, the results of the DGCA Conference, and the ensuing actions taken by the Council and the Secretariat towards the establishment of a universal safety oversight audit programme.

2. PROGRESS REPORT ON THE IMPLEMENTATION OF THE CURRENT ICAO SAFETY OVERSIGHT PROGRAMME

2.1 The current ICAO safety oversight programme became operational in March 1996, incorporating as its core function safety oversight assessment(s) of States by ICAO, on a voluntary basis, with the objective of offering follow-up advice and technical assistance as necessary to enable States to implement ICAO SARPs and associated procedures in the areas of personnel licensing and training, operation of aircraft and airworthiness of aircraft.

2.2 The status of implementation of the programme as of 15 June 1998 was as follows:

- a) thirteen States had made financial contributions to the programme;
- b) six States had seconded experts to the programme at ICAO Headquarters, and seven other States had assigned experts to safety oversight assessment missions;
- c) seven safety oversight seminar/workshops had been conducted in the ICAO regions;
- d) five safety oversight assessment team briefing and orientation programmes had been conducted: three at ICAO Headquarters, one in co-ordination with the European Civil Aviation Conference, and one in the CAR/SAM region;
- e) twenty-six States had informed ICAO that they did not require an assessment under the current ICAO safety oversight programme;
- f) eighty-five States had requested a safety oversight assessment; and
- g) sixty-two States had been assessed by an ICAO team; of these:
 - 1) thirty-four States had provided action plans to rectify deficiencies; and
 - 2) twenty-one States had requested assistance from ICAO to develop action plans/project documents.

2.3 The assessments carried out to date have confirmed that many States, in spite of their best intentions and efforts, are facing serious difficulties in fulfilling their safety oversight obligations. The major deficiencies fall into three categories: primary aviation legislation and regulations; institutional structure, qualified personnel and financial resources; and effective certification and supervision of commercial air transport operators.

2.4 Differences from ICAO SARPs identified during the course of the assessments, and which exist when the final reports are issued, are deemed to have been notified to ICAO by the assessed States involved and, accordingly, are incorporated in the Supplements to the appropriate Annexes. Final reports completed to date identify more than 160 differences from ICAO SARPs, and the publication of these differences is an on-going process. Internal procedures for publishing/amending Supplements are being reviewed to ensure that differences identified during safety oversight assessment missions are published in a regular and timely manner.

3. RESULTS OF THE DIRECTORS GENERAL OF CIVIL AVIATION CONFERENCE

3.1 The Directors General of Civil Aviation Conference held at ICAO Headquarters in November 1997 was attended by delegates from 147 Contracting States, one non-Contracting State and thirteen international organizations. The Conference made a total of thirty-eight recommendations, most notably:

- a) that regular, mandatory, systematic and harmonized safety audits be introduced, which should include all Contracting States, and which should be carried out by ICAO;
- b) that greater transparency and increased disclosure be implemented in the release of audit results, by expanding the information in the summary reports, so that other Contracting States could form an opinion as to the safety oversight status of the assessed States, while also giving the latter reasonable time to remedy deficiencies before such information would be disclosed;
- c) that a systematic reporting and monitoring mechanism on the implementation of SARPs be introduced;
- d) that the ICAO safety oversight programme should be expanded to other technical fields at the appropriate time, initially to include air traffic services, aerodromes and support facilities and services; the Conference further recommended that new criteria be developed requiring regulatory oversight of these technical fields, since a number of individual civil aviation administrations do not have national legislation in this regard;
- e) that the ICAO Council ensure the allocation of adequate funds for the safety oversight programme in the regular budget of the Organization taking into account the possible use of surpluses, in order to guarantee the continuity and sustainability of the programme for as long as it is needed;
- f) that ICAO urge Contracting States to ensure that any safety oversight activities be properly co-ordinated with ICAO, be based on compliance with ICAO SARPs and guidance material, and be conducted in accordance with standardized procedures developed and implemented by ICAO; and
- g) that donors and funding organizations be encouraged to co-operate with ICAO in making use of the technical co-operation services of ICAO for implementing their

programmes of assistance to civil aviation and to contribute to the ICAO objectives implementation mechanism.

4. ESTABLISHMENT OF AN ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME

4.1 General considerations

4.1.1 On the basis of the DGCA Conference recommendations, on 6 May 1998 the Council approved the establishment of an ICAO universal safety oversight audit programme, and agreed that adequate funds should be allocated for the implementation of such a programme (C-DEC 154/2). The programme would be based on the following considerations:

- a) the scope of the programme will, for the time being, remain limited to Annexes 1, 6 and 8;
- b) thirteen safety oversight audit missions (thirty-nine States) to be conducted per year; each State audit would last on average one week and the audit team would be comprised of three experts;
- c) ten follow-up missions (thirty States) per year; each mission would cover three States during a two-week period and would be conducted by teams of two experts, one from headquarters and one from the regional office accredited to the State;
- d) during the first three-year cycle of the new programme, States assessed previously under the voluntary ICAO safety oversight programme (estimated at seventy at the end of 1998) would only undergo a follow-up of the original assessment, but incorporating the new transparency requirements of the universal audit programme. Therefore, by the end of the year 2001 all Contracting States will have been assessed/audited and subjected to the transparency requirements of the new programme;
- e) three safety oversight seminar/workshops would be conducted per year; each seminar/workshop would be conducted by three experts and have a two-week duration;
- f) a systematic reporting and monitoring mechanism on the implementation of safety-related SARPs would be introduced, as recommended by the DGCA Conference;
- g) an annual co-ordination meeting of regional ICAO Technical Officers/Operations (TO/OPS) would be held to review results, update procedures and establish a mission programme; and
- h) following endorsement by the 32nd Assembly, the universal safety oversight audit programme would start in early 1999; oversight assessment activities would continue under the current programme until the end of 1998.

4.1.2 The ICAO universal safety oversight audit programme would be subject to a quality assurance mechanism to ensure the fairness of the process, the quality of the products and the timeliness of the results.

4.2 Mandatory and regular safety audits

4.2.1 The conduct of mandatory and regular safety audits can be accommodated within the framework of the Convention on International Civil Aviation. The audits would normally be carried out upon ICAO's initiative, but always with the audited State's consent, as the principle of sovereignty should be fully respected.

4.2.2 A system of checks and audits relating to the implementation of SARPs would not be an infringement of State sovereignty, bearing in mind the fundamental importance given in the Convention to aviation safety, provided that such a system of checks and audits be agreed upon in advance by Contracting States. Similarly, all Contracting States of ICAO have voluntarily, in the exercise of their sovereignty, accepted the obligations as well as the rights conferred by the Convention.

4.2.3 The necessary consent of States to the concept of regular safety audits carried out by ICAO, including an improved reporting and monitoring mechanism, can be obtained through an Assembly resolution endorsing the universal safety oversight audit programme as approved by the Council.

4.2.4 Subsequently, when ICAO proposes an audit in a State, it would be the subject of a standardized Memorandum of Understanding, modelled on the one used under the current ICAO safety oversight assessment programme, but modified to reflect the requirements of the universal audit programme and the increased transparency and timeliness in the disclosure of audit results called for by the DGCA Conference.

4.2.5 The conduct of mandatory and regular safety audits by ICAO would not only enhance the ICAO safety oversight programme and increase its assertiveness and effectiveness, but it would also provide the Organization with a more complete picture as to the implementation of SARPs relating to safety.

4.3 Requirements for the implementation of a universal safety oversight audit programme

4.3.1 As described in paragraph 4.1.1, the ICAO universal safety oversight audit programme will encompass audit, follow-up, training and technical activities, besides the management of the programme itself. This will require additional regular programme personnel at ICAO Headquarters, which would be assisted by technical staff from the regional offices. Additional personnel would be secured on a temporary basis to coincide with the duration of the first audit cycle at the end of the year 2001.

4.3.2 The DGCA Conference recommended that the Council should ensure the allocation of adequate funds for the safety oversight programme in the regular budget of the organization, taking into account the possible use of surpluses, in order to guarantee the continuity and sustainability of the programme.

4.3.3 Annual costs to ICAO associated with the universal safety oversight audit programme are estimated at 2.2 million U.S. dollars. On the basis of advice from the Finance Committee, the Council considered that the first audit cycle under the new programme (1999-2001) could be financed with 0.6 million U.S. dollars per year in the budget, with the remaining 1.6 million U.S. dollars per year coming from surpluses.

5. ACTION BY THE ASSEMBLY

The Assembly is invited to:

- a) note the progress report on the implementation of the ICAO safety oversight programme as presented in paragraph 2;
 - b) note the recommendations made by the Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight detailed in paragraph 3;
 - c) endorse the establishment of an ICAO universal safety oversight audit programme as approved by Council, as described in paragraph 4; and
 - d) adopt accordingly the attached draft Assembly Resolution, providing for the conduct by ICAO of mandatory and regular audits of all Contracting States under the proposed ICAO universal safety oversight audit programme.
- — — — —

APPENDIX

A32 - Draft Assembly Resolution:

Establishment of an ICAO Universal Safety Oversight Audit Programme

Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation world-wide;

Whereas Article 33 of the Convention on International Civil Aviation requires Contracting States to recognize as valid certificates of airworthiness and personnel licenses issued by another Contracting State, provided that the requirements under which such documents were issued are equal to or above the minimum standards established from time to time under the Convention;

Whereas Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Recalling Assembly Resolution A29-13 concerning the improvement of safety oversight;

Recalling the objectives of the ICAO safety oversight programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight over aircraft operations, the licensing and training of personnel, and aircraft airworthiness;

Considering the recommendations of the Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight, relating to the enhancement of the ICAO safety oversight programme, and which called for a universal safety oversight audit programme comprising regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, and for greater transparency in the release of audit results;

Recognizing the Assembly's decision on the disposition of cash surpluses contained in Assembly Resolution A32-...

Considering that, as recommended by the DGCA Conference, the Council of ICAO endorsed the establishment of such a universal safety oversight audit programme;

The Assembly:

1. *Resolves* that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety audits, to be carried out by ICAO; that such universal safety oversight audit programme shall apply to all Contracting States; and that greater transparency and increased disclosure be implemented in the release of audit results;

2. *Directs* the Council to bring into effect, from 1 January 1999, a universal safety oversight audit programme accordingly, including a systematic reporting and monitoring mechanism on the implementation of safety-related Standards and Recommended Practices;

3. *Urges* all Contracting States to agree to audits to be carried out upon ICAO's initiative, but always with the audited State's consent, by signing a bilateral Memorandum of Understanding with the Organization, as the principle of sovereignty should be fully respected;

4. *Directs* the Council to apply the resources made available in order to implement the ICAO universal safety oversight audit programme; and

5. *Requests* the Council to report to the next ordinary Session of the Assembly on the implementation of the programme, and to present to that Session proposals for funding the programme on a long-term basis.

— END —