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DIRECTORS GENERAL OF CIVIL AVIATION CONFERENCE ON A GLOBAL STRATEGY FOR AVIATION SAFETY

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Theme 3: Beyond the current framework

Topic 3.1: Safety framework for the 21st century

A NEW APPROACH TO SAFETY OVERSIGHT FOR THE 21ST CENTURY

(Presented by France)

SUMMARY

This note explores an innovative approach to civil aviation safety oversight in the 21st century. While traditional assistance measures, such as IFFAS to which France is one of the first contributors, may offer some short-term improvements, they cannot provide a long-lasting and robust solution to the difficulties encountered by certain States, if account is also taken of the new challenges of globalization. It is being suggested that an inspection body, whose independence should be statutorily guaranteed, be created within ICAO to carry out safety inspections on behalf of those States that so wished, thereby enabling them to fulfil their obligations. Such a formula, could offer the international community satisfactory assurances as to the safety level of applicants which would be issued such certificates.

France would like to emphasize its support for the proposals to improve civil aviation safety worldwide that are contained in the European working paper DGCA/06-WP/11. In the present note, France offers for the consideration of participants a concept that builds on paragraph 5.6 of DGCA/06-WP/11.

¹ English version provided by France.

1. INTRODUCTION

1.1 The ICAO Universal Safety Oversight Audit Programme (USOAP) has shown that a number of States are experiencing difficulties fulfilling their international obligations in this field.

1.2 This situation is worrying as, for lack of adequate surveillance, substandard safety practices within the industry may spread to all levels and persist, thereby jeopardizing the safety of air transport. There is indeed a close correlation between shortcomings in safety oversight and accident rates in many parts of the world.

1.3 Without innovative solutions, it is highly probable that this situation will deteriorate during the course of the 21st century and that an increasingly wide divergence will emerge between different States, especially with the increasing globalization of air transport, which will make national safety oversight tasks more and more complex.

2. LIMITS TO THE CURRENT APPROACH

2.1 Limits in respect of assistance:

2.1.1 For many years the international community has known that certain States are having difficulties through lack of human or financial resources, or lack of experience, to fulfil their international obligations in respect of safety oversight.

2.1.2 The 33rd Session of the ICAO Assembly, therefore, established the International Financial Facility for Aviation Safety (IFFAS) to release funding for projects, mainly regional, aimed at resolving deficiencies identified by USOAP.

2.1.3 France has always supported IFFAS, and is one of its main contributors. France is of the opinion that this funding mechanism is useful to bring to fruition certain specific projects that will benefit safety. IFFAS funds can, for example, contribute to the financing of a limited number of experts for a given period of time to improve a regulatory framework or to provide training.

2.1.4 However, France is well aware of the limits of this type of aid and recognizes that it cannot constitute a long-lasting solution to the problems being experienced by States. Indeed, it is not realistic to consider long-term funding by IFFAS of the normal operation (human and equipment resources) of a civil aviation administration.

2.1.5 A new approach must be identified if robust and ongoing solutions are to be applied to these safety problems.

2.2 Limits resulting from the liberalization and globalization of air transport:

2.2.1 The current approach to safety oversight is based solely on the concept of the nation State, whereas air transport is evolving towards an increasingly complex globalized regime, as shown not only by DGCA/06-WP/10 but also by the study on the safety and security aspects of economic liberalization distributed by State letter AN 11/41-05/83, dated 12 August 2005. This study reveals the problems involved in implementing the current approach in a liberalized environment, for example in the case of airlines using aircraft registered abroad, flight crews holding foreign licenses, aircraft operated for long periods of time far away from the State of Registry or the State of the Operator, flights using

company codes from several different countries, mergers of airlines resulting in a company with several operating bases located in different countries, the outsourcing of activities relating to air operations, etc.

3. A NEW APPROACH TO SAFETY OVERSIGHT FOR THE 21ST CENTURY

3.1 The difficulties mentioned above suggest that a promising solution to effectively resolve such problems might entail the setting up of an inspection body, attached to ICAO, whose independence would be statutorily guaranteed.

3.2 Such a technical structure could have two main functions:

- a) firstly, on behalf of those States who desired and requested it, and in support of their national authorities, it could undertake industry safety oversight tasks, especially the carrying out of inspections/checks/audits preliminary to the issuance and renewal of airworthiness certificates, licenses, or air operator's certificates, on the basis of a national or regional regulatory framework, and the issuing of these documents. States would thus be able to fulfil their international obligations in respect of safety oversight through the work of this corps of inspectors; and
- b) secondly, it could assume the current audit activity of ICAO, as well as other monitoring and surveillance activities that might be assigned to it.

3.3 Such a solution could offer many advantages:

3.3.1 It would have the merit of ensuring proper separation between, on the one hand, ICAO's political and regulatory functions, and on the other, the task of monitoring the implementation of these regulations.

3.3.2 The competence, independence, and experience of these international inspectors would be such as to offer positive guarantees in respect of safety standards at both national and operator levels.

3.3.3 It could offer an attractive solution for States that fail to resolve their shortcomings, perhaps because they have other priorities at a national level and are unable to invest the resources needed to oversee their air transport industry.

3.3.4 It could also offer significant economies of scale as a corps of safety inspectors would be formed at the global level, which might avoid a multiplication of national inspector teams. Note in this context that the question of recognition of audits carried out by the International Air Transport Association (IATA) under the IATA Operational Safety Audit (IOSA) Programme could be examined, and this might lead to synergies.

3.3.5 Finally, while it might be difficult to apply the traditional approach to the above-mentioned complex and interlinked situations, that are liable to develop within a liberalized environment, a formula whereby a seal of approval or certificate would be issued by a global structure could be a more appropriate way of certifying a level of operating safety.

4. **FUNDING SUCH AN APPROACH**

4.1 If the audit function were to be transferred permanently to this inspection body, it would only be right to consider a corresponding transfer of budgetary provisions from ICAO.

4.2 Also, in relation to the execution of safety oversight tasks, regional solutions have already demonstrated significant gains in efficiency and it should be stressed that a few dozen competent, well-trained and adequately remunerated inspectors, could, at a reasonable cost, contribute much to the checking of operations safety levels over relatively large areas. For example, past experience of cooperation shows that it has been possible to undertake significant activity relating to the renewal of individual airworthiness certificates, for around 350 aircraft, and the monitoring of maintenance facilities, with experienced teams of around 10 people.

4.3 In this context, a funding scheme could be examined based on contributions from those States that elect to adopt this formula, associated with user fees for inspections. The greater the number of States that would be interested in this approach, the greater would be the associated economies of scale.

4.4 Additional support could also be sought from international funding institutions, or from the aircraft industry.

4.5 It should be stressed that, subject to verification by a financial feasibility study, the necessary resources to set up such a structure should be relatively modest, especially in relation to what is at stake and the general economic benefits to be gained from a reliable and safe air transport system.

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