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

Montréal, 20 to 22 March 2006

Theme 2: Improving aviation safety

Topic 2.1: Transparency and sharing of safety information

Topic 2.5: Enhancing safety oversight

IMPROVING AVIATION SAFETY

(Presented by Ukraine)

SUMMARY

Notwithstanding the significant improvements in international civil aviation safety, the analysis of a series of aircraft accidents having occurred in various parts of the world revealed the insufficient interaction between States of Design and States of Registry on matters of continuing airworthiness. ICAO and Contracting States are invited to take adequate measures to ensure an exchange of mandatory safety-related information, including those situations when such responsibility is transferred to the regional aviation agencies, and to improve an effective control on continuing airworthiness and on the safe operation of aircraft registered in State territories.

1. INTRODUCTION

1.1 The analysis of a series of accidents in Africa involving Antonov aircraft and one in Ukraine with Aruba (P4) registered aircraft, and contradictory situations related to continuing airworthiness of the aircraft following the establishment of the European Aviation Safety Agency (EASA), revealed the existing problems with the implementation of Standards and Recommended Practices (SARPs) in respect of the organization of control of continuing airworthiness of aircraft.

¹ English and Russian versions provided by Ukraine.

2. CONSIDERATION OF THE ISSUE

2.1 In 2005, ten fatal accidents occurred with Antonov aircraft within the African continent and eight of the above-mentioned aircraft were not in airworthy condition because of expired design service life or time between overhaul.

2.2 In 2004 and 2005, the Antonov Design Bureau, as a design organization of the Antonov aircraft, sent information to the Civil Aviation Authorities of the Republic of Congo, Guinea, Kenya, Sierra Leone, Mali, the Republic of Togo, the Republic of South Africa, Rwanda and the Democratic Republic of Congo concerning Antonov aircraft operated in these countries which are probably not in airworthy condition and requested measures be undertaken.

2.3 Ukraine is unsure that the submitted information is adequately accepted and used by the States in which these aircraft are registered and operated because of an insufficient level of cooperation between Contracting States.

2.4 Accordingly, based on statistics, Ukraine, as a State of Design and Type Certificates Holder of Antonov aircraft, is in doubt about the existing practice to maintain the airworthy condition of the aircraft and consequently, the safe operation of these aircraft in some Contracting States in Africa.

2.5 In respect of Antonov aircraft, Ukraine, in compliance with obligations of the State of Design, transmits to all Contracting States required information relating to continuing airworthiness and safe operation as provided in paragraph 4.2.1.1 of Annex 8 — *Airworthiness of Aircraft* to the Chicago Convention. This information is transmitted to the States which advise Ukraine that they entered Antonov aircraft in their registers as well as to the States where Antonov aircraft are supposed to be operated.

2.6 Statistics of accidents to Antonov aircraft that occurred in 2005 allows Ukraine to state that notwithstanding actions undertaken, as stated in paragraphs 2.2 and 2.5, the existing level of interaction of Contracting States is inadequate and requires an entire legal solution.

2.7 At the same time, Ukraine, as a State of Registry and operator of aircraft designed in other Contracting States (in particular, those designed in France – Airbus, Dassault) informs on the situation which has arisen following the establishment of the European Aviation Safety Agency (EASA).

2.8 According to paragraph 1 of Article 15 of the Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of July 2002, EASA shall carry out on behalf of Member States functions of the State of Design. Paragraph (j) of this Article provides that EASA shall carry out functions relating to continuing airworthiness of the products, parts and appliances certified by EASA. Paragraph 3 of Article 18 provides that EASA shall assist EASA Member States in respecting their international obligations, in particular those under the Chicago Convention.

2.9 At the same time, France, as a State of Design, shall carry out the same functions under the Chicago Convention. Consequently, it is not clear at the moment who is responsible for transmitting information required for continuous airworthiness and safe operation of aircraft.

2.10 Summarizing the above-mentioned information, all Contracting States shall be clearly informed about the legal entity responsible for transmitting safety-related information required for the safe operation of aircraft.

2.11 Another subject of concern is aircraft registered in Dependencies. Four incidents and one accident occurred in Ukraine in the last four months with aircraft of Aruba (P4) registration. The analysis of the incidents reveals the serious problem of ensuring effective airworthiness control by the Dependency concerned.

2.12 The problem becomes more complicated because of the fact that P4-registered aircraft are mainly related to general and corporate aviation. These are highly mobile business turbojet aircraft and that complicates safety oversight procedures.

2.13 Besides this, Contracting States should have an absolutely clear understanding of which responsibilities and obligations under the Chicago Convention provisions are transferred from Protector to Protectorate.

3. **OUTLINE**

3.1 Apparently, all the above-mentioned problems related to airworthiness aspects are also a subject of concern for other Contracting States.

3.2 The current situation requires that ICAO, Contracting States and Regional Aviation Agencies undertake urgent and effective measures to ensure implementation of SARPs provisions relating to continuing airworthiness information.

3.3 Mutual confidence, information between States of Design and States of Registry of aircraft and the coordinated action of ICAO and Contracting States, within the framework of Airworthiness Agreements to ensure safe aircraft operations, will assist in the implementation of the ICAO global strategy for aviation safety.

3.4 Situations where a Contracting State has delegated its rights and obligations under the Chicago Convention to a regional organization that does not ensure a sufficient level of cooperation on safety-related matters with another Contracting State shall not take place.

4. **CONCLUSION**

4.1 The Conference is invited to:

- a) urge States of Registry to transmit mandatory safety-related airworthiness information to States of Design and strengthen control on continuing airworthiness procedures of aircraft;
- b) recommend strongly that all Contracting States of Design and States of Registry conclude an Airworthiness Agreement as laid down in the *ICAO Airworthiness Manual* (Doc 9760), Volume II – *Design Certification and Continuing Airworthiness*, Part B, Chapter 10;
- c) in the framework of the ICAO Universal Safety Oversight Audit Programme (USOAP), pay special attention to continuing airworthiness procedures performed by Protector and Protectorate States of aircraft entered on the Protectorate Registry

analyzing shared responsibility in respect of aviation safety between Protector and Protectorate States; and

- d) urge ICAO to develop SARPs to ensure safety in general and corporate aviation.

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