



WORKING PAPER

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

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Theme 2: Improving aviation safety

Theme 3: Beyond the current framework

**PROPOSALS FOR FURTHER IMPROVEMENT OF AVIATION
SAFETY WORLDWIDE**

(Presented by Austria, on behalf of the European Community and its Member States², other States Members of the European Civil Aviation Conference³ and by EUROCONTROL)

SUMMARY

This paper outlines measures that should be taken at the ICAO level with regard to certain issues addressed by the Conference, in particular affecting, (I) transparency and sharing of safety information; (II) the implementation of the ICAO Unified Strategy; (III) enhancement of safety oversight; and (IV) possible structural changes to the air safety framework.

Action by the Conference is in paragraph 6.

1. INTRODUCTION

1.1 The European Community and its Member States, the other Member States of the European Civil Aviation Conference (ECAC) and EUROCONTROL note with regret the continuing loss of life in aviation accidents notwithstanding the technical and safety-management improvements that are available and the existing body of ICAO Standards and Recommended Practices (SARPs) that provide a sound basis for achieving a high level of aviation safety. They propose in this paper measures that should be taken at the ICAO level with regard to certain issues addressed by the Conference in order to enhance aviation safety worldwide and the safety framework in which all stakeholders have a role to play and can

¹ French and Spanish versions provided by European Community.

² Austria, Belgium, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden and United Kingdom. All these twenty-five States are also Members of the European Civil Aviation Conference (ECAC).

³ Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Georgia, Iceland, Moldova, Monaco, Norway, Romania, Serbia and Montenegro, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.

contribute effectively. The various measures introduced at the European level and future initiatives go toward a similar direction. They are described shortly in a separate information paper submitted to the DGCA Conference.

2. TRANSPARENCY AND SHARING OF INFORMATION (ITEM 2.1)

2.1 Transparency and exchange of information are essential to build the necessary confidence among the international civil aviation actors and are pre-requisites for a sound mutual recognition system. In this context, new initiatives should be taken by ICAO to improve the exchange of safety-related information between Contracting States in order to facilitate safety oversight but also to respond to a general request for information from passengers. Its credibility is at stake.

Exchange of information on USOAP audits and communication to the public

2.2 ICAO should systematically make available to all Contracting States all reports drawn up in the frame of the Universal Safety Oversight Audit Programme (USOAP), including those prepared under previous cycles. Furthermore, in order to increase further transparency, reports should be as detailed as possible and contain all relevant safety-related data which can assist all Contracting States to make informed judgements as to the safety oversight capability of other States.

2.3 On the basis of USOAP reports, objective and reliable information on the general safety level in Contracting States should also be provided to the public in an easily understandable way in order to maintain passengers' confidence. Therefore an appropriate ICAO communication strategy needs to be adopted and implemented.

2.4 ICAO is urged to:

- a) proceed systematically to making reports drawn up in the frame of USOAP available in full to all Contracting States, including those established through previous cycles by making use of its permissive functions as per Article 55 (e) of the Convention; and
- b) adopt an appropriate communication strategy to provide relevant and comprehensible information based on the reports to the general public;

Enforcement of Article 21 of the Chicago Convention

2.5 The Chicago Convention gives in its Article 21: *Report of registrations*, the possibility to increase transparency by providing for the exchange of information concerning the registration and ownership of any aircraft habitually engaged in international civil aviation. In a context of globalisation, liberalisation and privatisation, Contracting States need a better system for tracing the ownership and control of aircraft registered in other Contracting States.

2.6 ICAO is called upon to:

- a) implement systematically the provisions of Article 21 of the Chicago Convention with a view to facilitating the exchange between all Contracting States of information regarding registration and ownership of aircraft as well as any pertinent data as can

be made available concerning the ownership and control of aircraft registered in Contracting States; and

- b) ensure the sharing of such information among Contracting States by appropriate practical means, such as by establishing a central data base, to make accessible such information among Contracting States.

Safety Reporting — The Need for a “Just Culture”

2.7 Lack of full and open reporting continues to pose a considerable barrier to further safety progress in many areas. Major impediments are a fear of prosecution and a lack of appropriate confidentiality. The effectiveness of reporting is totally dependent on a conducive reporting environment – a “Just Culture” – defined as *“a culture in which front line operators are not punished for actions or decisions that are commensurate with their experience and training, but also a culture in which violations and wilful destructive acts by front line operators or others are not tolerated”*. In view of the difficulties the aviation community meet in making progress in this field at the national level, consideration should be given to introducing provisions for a “Just Culture” reporting system in the new Annex to the Chicago Convention suggested hereunder on safety processes (in Section 5 of this action paper).

2.8 ICAO is urged to:

- a) develop further measures to enable the implementation of a just-culture reporting environment, at least related to possible disciplinary actions and confidentiality; and
- b) facilitate the timely sharing and use of accident and incident information, including recommendations published by investigating bodies, so as to mitigate aviation safety risks.

3. UNIFIED STRATEGY TO RESOLVE SAFETY-RELATED DEFICIENCIES (ITEMS 2.3 AND 3.1)

3.1 In accordance with ICAO Assembly Resolution 35-7, cooperation between Contracting States and the development of regional safety oversight organisations should be facilitated by ICAO. Ideally the necessary regional safety oversight organisations should be in place by 2010 pooling sufficient resources to discharge their roles competently and effectively. The necessary provisions should be defined by the new Annex to the Chicago Convention suggested hereunder on safety processes (in Section 5 of this action paper).

3.2 ICAO technical assistance tools, in particular the International Financial Facility for Aviation Safety (IFFAS), its Technical Cooperation Bureau (TCB) and its Regional Offices, should be more focussed on the promotion of regional and sub-regional cooperation. In order to increase their efficiency and effectiveness, ICAO technical cooperation structures and working methods, including those of IFFAS, should be revised and become more innovative. Better attention should be given to contributions from industry and coordination with them and the efforts of other organisations active in this field should be improved. In particular, ICAO should support the development of sufficient safety expertise by promoting collective means to optimise the effectiveness of training: such a provision is of primary importance.

3.3 The lessons drawn from the European experience lead us to recognise that with a view to ensuring the safety of international civil aviation worldwide, ICAO would greatly benefit if it fully recognises the existing regional organisations responsible for safety oversight and adapts consequently its working methods to the emergence of these new type of regulatory organisations.

3.4 ICAO is invited to:

- a) promote further development of regional and sub-regional organisations to strengthen safety oversight capabilities;
- b) encourage Contracting States to better cooperate bilaterally and at the regional level and to make the appropriate arrangements in order to fulfil their obligations under the Chicago Convention, particularly when they do not deem it possible or appropriate to allocate the required human, technical and financial resources to perform safety oversight adequately;
- c) improve the effectiveness of its technical assistance tools, including the IFFAS, and increase the coordination with and involvement of its Regional Offices so as to provide a more effective technical support; and
- d) adapt its working methods to allow full involvement of regional organisations responsible for safety oversight in its technical work.

4. **ENHANCING SAFETY OVERSIGHT (ITEM 2.5)**

4.1 Mandatory safety oversight audits by ICAO represent an indisputable achievement for air transport. However ICAO can further improve the impact of these activities by reviewing certain elements of USOAP methodology and by reporting on the infractions to the Chicago Convention.

Improvement of USOAP working methods

4.2 Under the new USOAP comprehensive system approach, auditing activities should be prioritised, focused and calibrated according to the significance of SARPs to aviation safety and to the associated risk factors. To improve the impact of USOAP and to optimise the use of the resources available, ICAO should review its working methods and, in particular, the tools developed to identify compliance with the critical elements of a safety oversight system (notably compliance check-lists).

4.3 ICAO should further intensify its investigatory activities under the USOAP programme. The frequency of audits should be as short as possible. This is particularly critical if Contracting States are to make effective use of audit information to improve compliance and if ICAO is to ensure effective and regular follow-up to these improvements.

4.4 USOAP findings need to be analysed and categorised against the safety oversight system critical elements with a view to evaluating individual Contracting States' oversight capability. In particular, the degree of compliance with the provisions of each ICAO SARP and the adverse effects of each finding on the Contracting State's safety oversight capability need to be assessed by the ICAO Secretariat General.

4.5 A substantial number of Contracting States are subject to different audit programmes.

4.6 These programmes are not fully synchronized and their scope partly overlaps. In this context, ICAO should facilitate cooperation with international and regional organisations conducting safety oversight audits in order to improve the coordination between USOAP and these other safety audit activities. Thereby, a most efficient use of the scarce resources available and a reduction of the overload of Contracting States Civil Aviation Authorities will finally be achieved.

4.7 ICAO is urged to:

- a) review USOAP methodology in order to improve its impact and to optimise the use of resources, in particular through better coordination and cooperation with audit programmes of other organisations related to aviation safety;
- b) intensify further its investigating activities under the USOAP programme by prioritising more frequent and focused audits according to the significance of SARPs to aviation safety and to the associated risk factors; and
- c) request its Secretariat General to categorise USOAP findings against the safety oversight system critical elements with a view to evaluating individual Contracting States' oversight capability.

Reporting on the infractions to the Chicago Convention

4.8 The correction of safety deficiencies is as important as their identification. In this context, it is important to promptly implement the provisions of the Chicago Convention under which the ICAO Council “*shall report to Contracting States any infraction to the Convention as well as any failure to carry out recommendations or determinations of the Council*”. When a Contracting State demonstrates severe and persistent safety oversight shortfalls and is clearly unwilling or unable to implement the necessary corrective actions, the ICAO Council should consider without delay the necessary measures.

4.9 ICAO is urged to increase transparency by bringing to Contracting States' knowledge cases of significant compliance shortcomings with respect to ICAO safety-related standards by making use of ICAO Council obligatory functions under the procedure for transparency and disclosure provided for under Article 54 (j) and (k) of the Convention.

5. SAFETY FRAMEWORK FOR THE 21ST CENTURY (ITEM 3.1)

5.1 Since the signature of the Chicago Convention in 1944, air transport has evolved dramatically. ICAO activities must constantly adapt to these changes. This implies a review of the organisation's objectives and modernisation of its working methods. The reform of ICAO is essential in order to rationalise its standard setting process, improve its reactivity and focus its actions on clear priority issues, the first one being safety.

Content and structure of Annexes (also relevant to Agenda Items 2.2 and 2.5)

5.2 The ICAO decision-making process needs to be improved to better take into account not only technological evolutions but also feedback from stakeholders. In this respect, greater attention should be given to the recommendations published by the organisations in charge of accident

investigation analysis. The development of new Standards and Recommended Practices should systematically include an impact assessment and a procedure for thorough consultation with the industry and other interested parties.

5.3 The content, nature and structure of the Annexes to the Chicago Convention should be reviewed. The current ICAO efforts to differentiate provisions of Annexes that are of critical importance for safety and those of a detailed technical nature should be extended and become a permanent exercise. This would ensure that ICAO Standards focus on safety objectives, while giving more flexibility to Contracting States in deciding implementation means. Harmonisation of such means would nevertheless be promoted by the issuing of appropriate guidance material and implementation manuals. To facilitate this, objective criteria should be established for determining which SARPs are of critical importance for global safety and therefore full compliance with them is highly desirable and identifying those of detailed technical nature which should be turned into guidance material.

5.4 A new specific Annex on safety processes should be developed. As already mentioned (Section II above) it should include requirements for the organisation, resources and staff qualification and training of aviation authorities and bodies involved in supervision and oversight activities, at the national but also at the regional or sub-regional level. However, the implementation of new, more complex air-ground integrated systems will necessitate a new approach to safety across all aviation domains (e.g. airports, air operators, air navigation service providers). The establishment of safety assessment and safety management systems in both the oversight organisations and the industry is required. Therefore the new Annex should also contain provisions concerning safety assessment and safety management. Existing Annexes should be reorganised accordingly.

5.5 ICAO is invited to:

- a) review its procedures for adoption of SARPs with a view to systematically perform an impact assessment, in order to take better into account their impact on industry and other interested parties;
- b) make more systematic use in the rule-making process of the recommendations published by accidents investigation bodies;
- c) develop criteria for determining which Standards are of critical importance for ensuring global safety and for which notifying differences would be acceptable only exceptionally and which Standards of a detailed technical nature should be changed into Recommended Practices or removed from ICAO Annexes and turned into guidance material; and
- d) complement the set of Annexes to the Chicago Convention with a specific Annex on appropriate provisions on safety oversight, safety assessment and safety management.

Enforcement of Contracting States obligations

5.6 In order to give ICAO a more active and direct role in ensuring that the safety-related Annexes to the Chicago Convention are effectively implemented, it may be necessary for the Organisation to exercise enforcement powers, building on the powers already given to the Council by the Convention. The ICAO Secretariat should launch preparatory work allowing the ICAO Assembly to examine this issue in detail during its next Session, in particular whether institutional changes would be required to achieve this objective.

5.7 The ICAO Secretariat is invited to make the necessary preparations for an extensive debate during the 36th Session of the ICAO Assembly on ways and means for the Organisation to exercise enforcement powers vis-à-vis Contracting States, including where relevant, by amending the Convention.

6. ACTION BY THE CONFERENCE

6.1 The Conference is invited to:

- a) urge ICAO to make-USOAP reports available in full to all Contracting States and to adopt a strategy for communicating safety information based on the reports to the general public;
- b) call upon ICAO, as a priority, to fully implement and enforce Article 21 of the Convention;
- c) urge ICAO to facilitate the implementation of “Just Culture” reporting systems in Contracting States and the sharing of accident and incident information;
- d) urge ICAO, particularly through its technical cooperation and Regional Office delivery arms, to be more pro-active in promoting the development of regional and sub-regional organisations;
- e) urge ICAO to review USOAP methodology, prioritising and rationalising audit activities on the basis of the significance of SARPs to safety and to categorise USOAP findings with a view to evaluating Contracting States oversight capability;
- f) urge ICAO’s Council to make use of its obligatory functions described in Article 54 j) and k) of the Convention by bringing to Contracting States knowledge cases of infractions to the Chicago Convention;
- g) encourage ICAO to review the procedures for adopting SARPs and to develop a new specific Annex dedicated to safety processes, including appropriate provisions on safety oversight, safety assessment and safety management; and
- h) request ICAO to prepare an extensive debate on the ways and means for the Organisation to exercise enforcement powers vis-à-vis Contracting States.

— END —