



ASSEMBLY — 42ND SESSION

EXECUTIVE COMMITTEE

Agenda Item 22: Other high-level policy issues to be considered by the Executive Committee

TOWARDS A RESULT-ORIENTED REGULATORY CYCLE: ENCOURAGING THE ADOPTION OF PROCEDURES FOR REGULATORY OUTCOME ASSESSMENT

(Presented by Brazil and supported by Supported by 18 Latin American Civil Aviation Commission (LACAC) Member States¹)

EXECUTIVE SUMMARY

This paper encourages ICAO to begin exploring procedures and good practices related to Regulatory Outcome Assessment (ROA) as a means to complement existing compliance-based mechanisms and foster a more results-oriented regulatory cycle.

While ICAO has made important progress in monitoring compliance through robust oversight programmes such as USOAP and USAP, the Organization has yet to fully integrate practices that assess whether the implementation of these standards consistently leads to the desired safety, security, efficiency, or environmental outcomes across diverse operational contexts.

This initiative is aligned with recommendations already issued within ICAO processes—including the High-level Safety Conference (2010) and Assembly Resolution A41-21—as well as with proposals submitted by Member States, such as Working Paper A37-WP/114 (New Zealand), which advocated for the inclusion of impact analysis and consideration of regulatory alternatives in the development of SARPs. The core question guiding this reflection is: “Is compliance producing the desired results?”

To support this inquiry, the paper invites the Organization to initiate discussions and consider adopting procedures for Regulatory Outcome Assessment—such as defining expected outcomes, establishing baselines, and incorporating stakeholder feedback—as a means to improve learning, transparency, and regulatory effectiveness.

Action: The Assembly is invited to:

- a) recognize the importance of regulatory outcome assessments as tools to strengthen strategic oversight, promote institutional learning, and enhance accountability within the civil aviation sector;
- b) encourage the incorporation of outcome-oriented elements—such as expected results, baseline conditions, and performance indicators—at the stage of drafting new SARPs, to facilitate future assessments of their effectiveness;
- c) invite the Secretariat to consider reflecting principles and procedures of regulatory outcome assessment in ICAO’s institutional documentation, including manuals and guidance material, as appropriate;
- d) encourage Member States to share experiences and contribute data on post-implementation effects of SARPs, in support of broader learning and continuous improvement within ICAO;
- e) encourage Member States to voluntarily engage in pilot initiatives or case studies that explore post-implementation evaluation approaches, helping to identify scalable practices and inform future discussions.

¹ Argentina, Belize, Bolivia (Plurinational State of), Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Nicaragua, Paraguay, Peru, Uruguay, Venezuela (Bolivarian Republic of)

<i>Strategic Goals:</i>	This working paper relates to <i>Every Flight is Safe and Secure</i> .
<i>Financial implications:</i>	N/A
<i>References:</i>	Doc 10184, <i>Assembly Resolutions in Force (as of 7 October 2022)</i> , Assembly Resolution A41-21 Universal Safety Oversight Audit Programme (USOAP) and Universal Security Audit Programme (USAP)

1. INTRODUCTION

1.1 Over the years, ICAO has made substantial progress in promoting compliance with international standards through mechanisms such as the Universal Safety Oversight Audit Programme (USOAP) and the Universal Security Audit Programme (USAP). These programmes have contributed meaningfully to aviation safety and security by verifying that States have adopted and implemented appropriate legal and institutional frameworks.

1.2 Nonetheless, compliance verification alone may not capture whether regulatory actions are translating into real-world improvements. As the aviation sector evolves, it becomes increasingly important to evaluate not only if rules are followed, but also whether they are delivering the intended public value.

1.3 Evaluation, as understood across the United Nations system, brings forward a series of guiding questions: Are we doing the right thing? Are we doing it right? Are we achieving the intended results? Are there better ways of achieving the same result? For ICAO, these questions can help shape a governance approach that embraces continuous improvement.

1.4 This paper offers reflections on how the Organization could benefit from gradually developing procedures for Regulatory Outcome Assessment.

2. NORMATIVE CONTEXT AND PRECEDENTS

2.1 While ICAO has not yet institutionalized a full ex post evaluation model, important precedents already exist:

- a) Assembly Resolution A41-21, Appendix E, notes that “ICAO requires economic analyses to assist the Council in the assessment of the effectiveness of measures proposed for the implementation of the Strategic Objectives of the Organization, and for environmental planning, investment studies and other purposes.” This language illustrates that ICAO already recognizes the importance of assessing effectiveness in broader institutional domains, suggesting that similar efforts could inform the standard-setting process as well.
- b) The High-level Safety Conference (2010) issued Recommendation 2/5, urging the development of a methodology for impact assessment in the formulation of new Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) (*Report of the High-level Safety Conference (2010)* (Doc 9935)).

- c) Working Paper A37-WP/114, submitted by New Zealand, recommended that new SARPs include a clear problem statement, consideration of regulatory alternatives, and an assessment of impacts based on inputs collected via the State letter process.

2.2 Taken together, these precedents suggest a growing institutional awareness within ICAO of the value of integrating analytical rigor and effectiveness considerations into its governance processes. Building upon this foundation, the Organization may now consider how such principles could inform the post-implementation phase of regulation, particularly by encouraging the gradual adoption of procedures aimed at assessing whether regulatory objectives are being achieved in practice.

3. **DISCUSSION**

3.1 **The case for complementing compliance oversight**

3.1.1 ICAO's existing oversight mechanisms primarily evaluate the extent to which States comply with established SARPs. However, they may not systematically assess whether such compliance leads to improvements in safety, security, efficiency, or environmental performance in diverse implementation environments.

3.1.2 This approach contrasts with evaluation frameworks used across the United Nations and other international organizations, where impact and effectiveness are treated as core management concerns. ICAO has the opportunity to complement its robust compliance culture with practices that reflect how rules perform in practice.

3.1.3 The key question remains: Does compliance reliably produce the intended regulatory outcomes, and does it respond to the diverse realities faced by States?

3.2 **Concept and benefits of regulatory outcome assessment (ROA)**

3.2.1 Regulatory outcome assessment ROA refers to procedures that aim to understand whether regulatory initiatives achieve their intended effects. It moves beyond implementation metrics to assess actual outcomes. When gradually introduced, ROA can:

- a) strengthen the alignment of regulatory actions with ICAO's Strategic Objectives;
- b) support transparency and accountability;
- c) enable institutional learning and adaptive policymaking; and
- d) foster the development of targeted, measurable, and evidence-informed regulatory initiatives.

4. **ELEMENTS TO BE CONSIDERED**

4.1 The procedures to be discussed by ICAO and its Member States could include:

- a) *Clear objectives*: Stating the expected outcomes from the outset;
- b) *Baseline data*: Establishing the initial state prior to implementation;

- c) *Performance indicators*: Using both qualitative and quantitative metrics;
- d) *Evaluation timing*: Defining appropriate timelines based on risk and relevance;
- e) *Stakeholder participation*: Involving States, industry, and relevant communities; and
- f) *Feedback mechanism*: Using findings to inform future amendments or new SARPs.

4.2 Such practices could be explored progressively, beginning with select regulatory themes where implementation experience is more mature.

5. CONCLUSION AND RECOMMENDATIONS

5.1 The current regulatory cycle within ICAO—focused on proposal formulation and compliance oversight—may benefit from the gradual development of procedures that promote post-implementation evaluation. This approach could provide insights into whether SARPs are achieving their intended effects and enable more adaptive, evidence-informed regulatory evolution.

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