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ASSEMBLY — 42ND SESSION

REPORT OF THE EXECUTIVE COMMITTEE ON AGENDA ITEM 14

(Presented by the Chairperson of the Executive Committee)

Revision No. 1

The attached report on Agenda Item 14 has been approved by the Executive Committee. Resolution 14/1 is recommended for adoption by the Plenary.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

(10 pages)

Agenda Item 14: Audit Programmes – Continuous Monitoring Approach

Implementation of the ICAO Continuous Monitoring Approach (CMA) audit programmes

14.1 During its discussions on A42-WP/4, the Committee expressed appreciation to ICAO and its Member States for their efforts in the successful implementation of both the Universal Safety Oversight Audit Programme (USOAP) CMA and Universal Security Audit Programme (USAP) CMA, while supporting enhanced coordination of their activities. The Committee agreed to urge Member States to remain fully engaged with the Organization's audit programmes and to refrain from requesting the postponement or cancellation of their audits except for compelling reasons, given the negative impact that such requests have on the programmes. The Committee also encouraged donors to continue providing voluntary contributions in support of these initiatives.

14.2 A42-WP/315 presented by New Zealand, and co-sponsored by Australia and Canada, proposed to establish a technical expert group to report back to the Council with recommendations for enhancements to both ICAO audit programmes, building on discussions at the Fourteenth Air Navigation Conference (AN-Conf/14) in 2024 and supporting the transition towards outcome-focused and risk-based auditing frameworks. The United States, in A42-WP/376, requested the risk-based prioritization of USOAP CMA activities, proposed the establishment of a permanent steering committee to support the continuous improvement of the USOAP CMA, and requested that ICAO implement the remaining recommendations made by expert groups. In reviewing these papers, the Committee noted the importance of maintaining discussions around each audit programme within its relevant expert group. Moreover, a Task Force on the USAP-CMA was already in operation and had been tasked to conduct a holistic review of the security audit programme and propose improvements to ensure it is risk-based, outcome-focused and efficient. The Committee noted the benefits of a periodic review of the USOAP CMA and supported the establishment of a group to make recommendations to the Council on the USOAP CMA evolution, to remain relevant in an increasingly complex environment, be more data-driven, risk-informed, and outcome-focused, while ensuring its accountability and continuous improvement. The Committee thus agreed to refer the proposals presented in A42-WP/376 for the consideration of the group. To promote the efficient use of resources from Member States and ICAO, the Committee further recommended the establishment of a coordination mechanism between the USAP and USOAP groups to address common challenges and provide recommendations applicable to both audit programmes, thereby facilitating collaboration. The Committee highlighted that the minimum requirements set by Standards ~~should continue to be met~~, are applicable even when implementing risk-based oversight, and agreed to refer the proposals presented in A42-WP/315 for the consideration by both groups.

14.3 The Committee further noted that ICAO has adopted a risk-informed approach to prioritize States for USOAP and USAP activities since the adoption of the CMA and implemented enhancements based on expert group recommendations, taking into account resource availability and the need for continuous and harmonized operation of the programmes.

14.4 In A42-WP/436 Revision No.1, Bangladesh proposed that the oversight of Annex 9 – *Facilitation* be undertaken exclusively under the USAP-CMA, without using the USOAP CMA online framework for the completion of compliance checklists (CCs) and the Electronic Filing of Differences (EFOD) database. The Committee noted the importance of compliance with Annex 9 Standards to be notified via the EFOD, and that existing arrangements in this regard should be maintained. Furthermore, it

would not be appropriate to audit all of Annex 9 under the USAP-CMA, given the variety of subjects covered under this Annex, some of which are audited under the USOAP CMA.

Evolution of the USOAP CMA

14.5 The Committee acknowledged the efficacy and relevance of the USOAP CMA, the safety improvements it generates globally, and the evolution plan managed under the streams of work as contained in A42-WP/5, presented by the Council of ICAO. The Committee welcomed the work planned and endorsed the streams of work and timelines proposed for the evolution of the USOAP CMA with certain amendments resulting from the discussions referred to in paragraph of 14.2 while noting the benefits of increased use of data for monitoring purposes allowing for a more risk- and performance-based approach and efficient use of resources. The Committee also noted the procedures addressing data management in the USOAP Online Framework (OLF).

14.6 In A42-WP/97, the United Arab Emirates proposed that ICAO formally recognize and deploy dangerous goods specialists as auditors within activities of the USOAP CMA. In A42-WP/265, Kazakhstan proposed that ICAO strengthen its audit methodology by integrating legal professionals, especially those with aviation law expertise, into audit teams to improve assessments of Critical Element (CE)-1: Primary Aviation Legislation and CE-8: Resolution of Safety Concerns. The Committee noted that adding an expert to USOAP activities represents a considerable increase in the cost per activity and will consequently increase the deficit in the allocated budget to USOAP activities. In particular to A42-WP/97, the Committee noted that the current structure of protocols within the USOAP CMA served the needs for auditing dangerous goods provisions. The Committee agreed to refer the issues raised in A42-WP/265 to the proposed expert group referred in para 14.2 for further consideration.

14.7 In A42-WP/497, Brazil, supported by Latin American Civil Aviation Commission (LACAC) Member States¹, proposed that ICAO develops a study to revise the Protocol Questions (PQs) related to the timely implementation of new Standards and Recommended Practices (SARPs) to better assess the integrity and quality of the national regulatory and legislative rulemaking processes, driving to a robust national decision -making process. The Committee noted that audit programmes should consider States' efforts to incorporate new Annexes and amendments into their national frameworks, which inherently takes time and deliberations, and agreed to refer the issues raised in this working paper to the relevant groups for further consideration.

14.8 In A42-WP/429, Jordan, on behalf of the Arab Civil Aviation Organization (ACAO) Member States², proposed States to shift from ad-hoc audit preparation to a systematic, continuous compliance monitoring approach. This would involve creating a dedicated compliance monitoring entity within national aviation oversight structures to ensure sustained readiness for ICAO audits. The Committee noted that States are sovereign in determining their administrative structure and means to discharge their functions and responsibilities regarding safety oversight. Under the CMA concept, the Committee noted that States are also expected to interact with ICAO on a continuous basis, providing updates to their data and information to allow ICAO to plan USOAP activities accordingly. In the *Universal Safety Oversight*

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

² Algeria, Bahrain, Comoros, Djibouti, Egypt, Iraq, Jordan, Kuwait, Lebanon, Libya, Mauritania, Morocco, Oman, Palestine, Qatar, Saudi Arabia, Somalia, Sudan, Syrian Arab Republic, Tunisia, United Arab Emirates, and Yemen.

Audit Programme Continuous Monitoring Manual (Doc 9735), ICAO provides guidance for these continuous interactions of States with the USOAP CMA.

14.9 A42-WP/388, presented by the International Air Transport Association (IATA) and the International Business Aviation Council (IBAC) and co-sponsored by Airports Council International (ACI), advocated for a more systematic use of safety intelligence, specifically from the USOAP CMA traditional activities and the State Safety Programme Implementation Assessment (SSPIA), to inform and evolve ICAO's SARPs and guidance material. The Committee recommended that ICAO develop a structured mechanism to ensure that ICAO expert groups are systematically informed of relevant safety intelligence resulting from USOAP activities.

14.10 A42-WP/68, presented by South Africa, proposed that ICAO improve the USOAP CMA by grouping Member States based on the size and complexity of their civil aviation activities in current reporting tools, such as iSTARS, allowing for more meaningful comparisons and better-targeted collaboration. The Committee recommended that ICAO enhance reports containing USOAP data and analysis to reflect the size and complexity of civil aviation activities amongst Member States.

14.11 A42-WP/69, also presented by South Africa, urged ICAO to reconsider the use of safety data and audit results from external stakeholders in USOAP CMA activities. The proposal advocated for relying solely on ICAO's USOAP CMA to evaluate States' safety oversight capabilities. The Committee noted that, consistent with the CMA principles and recommendations of expert groups, ICAO uses data and information not only from the USOAP and ICAO but also from external sources to prioritize States for USOAP activities and determine their scope. However, PQ status is only determined by a USOAP activity based on the evidence presented.

14.12 In A42-WP/437 Revision No. 1, the Russian Federation, co-sponsored by the Interstate Aviation Committee (IAC), called on ICAO to consider policy to ensure assignment and preservation of the Significant Safety Concern (SSC) status to the equality of opportunity for ICAO Member States in international air transport services, through a politically unbiased process based solely on technical considerations and transparency. It was further requested in the draft Assembly Resolution appended to the working paper that the Assembly "Rescinds Resolution A41-2" concerning Infractions of the Chicago Convention by the Russian Federation. The Committee noted that during the discussions of Agenda Item 22 when considering A42-WP/53, the Committee had agreed to recommend to the Plenary to restate that Assembly Resolution A41-2 remains in force.

14.13 Information papers A42-WP/373 presented by IATA and A42-WP/604 presented by China were noted.

14.14 In light of the discussion, the Committee agreed to submit, for adoption by the Plenary the following resolution to supersede Assembly Resolution A40-13.

Resolution 14/1: The Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA)

Whereas the primary objective of ~~the Organization~~ ICAO continues to be that of ensuring the safety of international civil aviation worldwide;

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

Whereas safety oversight, and the safety of international civil aviation in general, is the responsibility of Member States, both collectively and individually, it also depends on the active collaboration of ICAO, Member States, industry and all other stakeholders in the implementation of the Global Aviation Safety Plan (GASP);

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve significant safety concerns (SSCs) identified under the ICAO Universal Safety Oversight Audit Programme (USOAP);

Whereas the High-level Safety Conference 2010 (HLSC 2010) made recommendations for ICAO to develop criteria for the sharing of SSCs with interested stakeholders and to assess how the information on SSCs could be shared with the public in a form which would allow them to make an informed decision about the safety of air transportation;

Whereas the HLSC 2010 made recommendations for ICAO to enter into new agreements and amend existing agreements for the sharing of confidential safety information with international entities and organizations in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities;

~~*Whereas* the Thirteenth Air Navigation Conference (AN-Conf/13) made recommendations that were agreed by the Council to continue evolving the USOAP methodology, processes and tools, as well as to ensure that the continuous monitoring of the States remains robust, relevant and up-to-date;~~

Whereas the High-Level Conference on COVID-19 (HLCC) made recommendations for ICAO to integrate State Safety Programme Implementation Assessments (SSPIAs) with traditional USOAP CMA activities and noted the development of a data management framework for USOAP CMA, which contains, inter alia, procedures to use, manage and protect relevant USOAP information while supporting activities of Member States;

Recalling that the 32nd Session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

~~*Whereas* the 39th Session of the Assembly agreed that ICAO establish an independent group to perform a structured review to identify adjustments to USOAP CMA with a view of further evolution and strengthening of the programme, taking into consideration the evolving safety strategy of ICAO and States'~~

~~progress in implementing Annex 19 — Safety Management, in particular SSP requirements, and that the Council agreed to the recommendations resulting from that review with certain caveats to continue evolving the USOAP CMA;~~

Whereas the implementation of USOAP has been a major achievement for aviation safety, successfully meeting the mandate given by Resolutions A32-11 and A35-6 and providing the ability to evaluate Member States' oversight capabilities and identify areas of improvement;

Recalling that Assembly Resolution A33-8 requested the Council to ensure the long-term financial sustainability of USOAP, phasing in all of its activities into the Regular Programme budget;

Recalling the objectives of USOAP, which seeks to ensure that Member States are adequately discharging their responsibilities for safety oversight;

Recognizing that it is essential that USOAP continues to cover all safety-related Annex provisions in order to promote the adequate implementation of safety-related Standards and Recommended Practices;

Recognizing that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess ~~programme~~ the USOAP quality;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing the safety enhancement contributions resulting from audits, inspections, reviews, evaluations and/or assessments conducted by international and regional organizations, including those organizations that have agreements with ICAO such as the Airports Council International (ACI), the European Aviation Safety Agency (EASA), the European Commission (EC), the Flight Safety Foundation (FSF), the International Air Transport Association (IATA) and the European Organisation for the Safety of Air Navigation (EUROCONTROL);

Recognizing that transparency, ~~and the sharing~~ and analysis of safety information are among the fundamental tenets of a safe air transportation system; and

Recognizing that regional safety oversight organizations (RSOOs) have an important role in the USOAP CMA and that, wherever applicable, the word "States" below should be read to include RSOOs where an appropriately enabling legal framework is in place;

The Assembly:

1. *Expresses its appreciation* to the Council and the Secretary General on the successful evolution and implementation of the USOAP Continuous Monitoring Approach (CMA);
2. *Directs* the Secretary General to continue evolving the USOAP CMA into a more evidence-based, risk-informed and result-oriented programme to be applied on a universal basis in order to assess the effectiveness and sustainability of States' safety oversight systems, as well as the progress of States in implementing safety management requirements, in particular State safety programmes (SSPs);

3. *Directs* the Secretary General to implement organizational improvements necessary to successfully manage the changes brought about by the long-term evolution of the ~~programme~~ **USOAP CMA**, in line with the recommendations of the ~~Group of Experts for a Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) Structured Review (GEUSR)~~ **Ad hoc USOAP Advisory Group (USOAP-AG)** as agreed by the Council and ~~relevant recommendations of the AN-Conf/13-HLCC;~~
4. *Directs* the Secretary General to make effective use of the available continuous monitoring and auditing tools to ensure the targeted use of resources for the **USOAP CMA**;
45. *Directs* the Secretary General to ensure that the **USOAP CMA** continues to maintain as core elements the key safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 2 — *Rules of the Air*, Annex 3 — *Meteorological Service for International Air Navigation*, Annex 4 — *Aeronautical Charts*, Annex 6 — *Operation of Aircraft*, Annex 7 — *Aircraft Nationality and Registration Marks*, Annex 8 — *Airworthiness of Aircraft*, Annex 10 — *Aeronautical Telecommunications*, Annex 11 — *Air Traffic Services*, Annex 12 — *Search and Rescue*, Annex 13 — *Aircraft Accident and Incident Investigation*, Annex 14 — *Aerodromes*, Annex 15 — *Aeronautical Information Services*, Annex 18 — *The Safe Transport of Dangerous Goods by Air* and Annex 19 — *Safety Management*;
56. *Directs* the Secretary General to ensure that the **USOAP CMA** abides by the principles of, inter alia, independence, universality, standardization and transparency to further strengthen global acceptance of the programme and its results;
7. *Directs* the Secretary General to analyze the reasons for low or non-sustainable State's effective implementation of a safety oversight system and identify appropriate means to enhance effectiveness;
68. *Directs* the Secretary General to continue to ensure the maintenance of the quality assurance mechanism established to monitor and assess ~~programme~~ **the USOAP CMA** quality, and the transparency of all aspects of the continuous monitoring process;
79. *Directs* the Secretary General to continue the sharing of SSCs, in accordance with established procedures on the sharing of safety information, with interested stakeholders and the public to allow them to make an informed decision about the safety of air transportation;
810. *Directs* the Secretary General to make all safety oversight-related information generated by the **USOAP CMA** available to all Member States through the ~~ICAO restricted website~~ **USOAP online framework (OLF)**;
11. *Directs* the Secretary General to implement the data management procedures addressing the collection, storage, usage, management, sharing and protection of **USOAP data and information in the OLF**;
- 9-12. *Directs* the Secretary General to continue to foster coordination and cooperation between **USOAP CMA** and the audit programmes of other organizations related to aviation safety for the purpose of sharing confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections, and to decrease the duplication of efforts and find synergies to enhance the efficiency of the **USOAP CMA monitoring activities**;

- 10-13. *Directs* the Secretary General to continue facilitating the sharing of safety-critical information with Member States, industry and other stakeholders, through appropriate secure websites;
- 11-14. *Urges* all Member States to support ICAO in the evolution of the USOAP CMA and, for those able to do so, to second qualified and experienced technical staff to ICAO on a long- or short-term basis, with a view to enabling the Organization to continue to successfully operate the ~~programme~~ USOAP CMA;
15. *Urges* Member States, international organizations, donors and relevant stakeholders to provide voluntary contributions to support the evolution and operation of the USOAP CMA;
- 12-16. *Urges* all Member States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective operation of the USOAP CMA;
- 13-17. *Urges* all Member States to cooperate with ICAO and as much as practicable to accept USOAP CMA activities, as scheduled, including audits, validation missions, and off-site validation activities ~~and SSP implementation assessments~~, in order to facilitate the smooth functioning of the USOAP CMA;
- 14-18. *Urges* all Member States to implement corrective action plans to address the findings identified during USOAP CMA activities;
- 15-19. *Urges* all Member States to share with other Member States critical safety information which may have an impact on the safety of international air navigation and to facilitate access to all relevant safety information;
- 16-20. *Encourages* Member States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;
- 17-21. *Reminds* Member States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory, and to take appropriate action when necessary to preserve safety;
- 18-22. *Directs* the Council to prioritize the work on the evolution of the USOAP CMA, and strive for adequate human and financial resources to be made available to the ~~programme~~ USOAP CMA, as well as and to report to the next ordinary session of the Assembly on ~~the~~ its evolution and performance ~~of the USOAP CMA~~; and
- 19-23. *Declares* that this resolution supersedes Resolution ~~A37-5~~ A40-13.

Developments related to the USAP-CMA

14.15 In A42-WP/486 Revision No.1 (EN only), the Russian Federation supported the enhancement of both international and national oversight systems and requested that ICAO explore the possibility of integrating State corrective action plan (CAP) implementation status when assessing the sustainability of State oversight performance and the implementation of GAsEP milestones. The Committee noted that a Task Force on the USAP-CMA has been created to conduct a holistic review and agreed that the proposal should be referred to this Task Force for consideration under its work programme.

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— END —