ASSEMBLY — 39TH SESSION

TECHNICAL COMMISSION

Agenda Item 36: Aviation safety and air navigation implementation support

REGIONALISATION: A GROWING REALITY

(Presented by Slovakia on behalf of the European Union and its Member States[1], the other Member States of the European Civil Aviation Conference[2]; and by EUROCONTROL)

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<tr><td align="center">EXECUTIVE SUMMARY</td></tr>
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The global aviation system has substantially evolved since the signature of the Chicago Convention. This paper discusses one aspect of this evolution, namely the establishment of regional aviation systems and their integration into the ICAO framework, including their regional safety oversight organisations (RSOOs) component where relevant. Such systems generate a number of benefits for the travelling public, for industry stakeholders and for participating States through an overall improved performance of the aviation system.

This paper proposes actions for ICAO to embrace this growing reality and provide the flexibility that is needed to support regulatory and market developments, should they be conducted individually or collectively.

Action: The Assembly is invited to:
a) acknowledge the growing existence of regional aviation systems and other frameworks for regional cooperation among States, and recognise the need to better integrate them in the ICAO context;
b) agree that a review of ICAO provisions and practices be undertaken, with the involvement of relevant stakeholders, to identify where changes or interpretations would better enable recognition and integration of the regional aviation systems, including their RSOO component, and other cooperative arrangements;
c) agree on the basis of this review, that in their respective areas of competence, relevant ICAO Panels and the ICAO Secretariat be tasked to develop proposals to ensure that ICAO provisions and practices take fully into account the regional aviation systems, including their RSOO component, and other cooperative arrangements, where appropriate.

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[1] Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom
[2] Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Republic of Moldova, Monaco, Montenegro, Norway, San Marino, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and Ukraine

Strategic Objectives:	This working paper relates to the Safety and Economic Development of Air Transport Strategic Objectives
Financial implications:	The activities referred to in this paper will be undertaken subject to the resources available in the 2017-2019 Regular Programme Budget and/or from extra budgetary contributions.
References:	Doc 10022, *Assembly Resolutions in Force (as of 4 October 2013)* Doc 7300, *Convention on International Civil Aviation* and its Annexes Doc 9734, *Safety Oversight Manual*, Part B

1.   **INTRODUCTION**

1.1   The global aviation system has substantially evolved since the signature of the Chicago Convention. From a purely State-based environment, it now incorporates cooperative frameworks between States, with the involvement of multiple stakeholders.

1.2   In some cases, these regional initiatives have led to the establishment of regional aviation systems with common legal rules under the terms of an international treaty. Implementation of those rules by participating States in a consistent manner is assured under a regional quality control mechanism usually exercised by a regional safety oversight organisation (RSOO). Such framework may apply to all aviation domains, including air traffic management (ATM) and security. Other regional arrangements exist as well, such as regional accident investigation organisations (RAIO).

2.   **BENEFITS OF REGIONALISATION**

2.1   Regionalisation generates a number of benefits for participating States, for the regulated industry and ultimately for the travelling public. It provides for an overall improved performance of the aviation system.

2.2   This applies to the safety dimension notably by contributing to ensure an enhanced uniform level of safety across all participating States. It prevents States that are part of the regional system from being left behind. It enables the development of regional safety tools, such as regional databases for pilot exam questions (with appropriate data protection mechanisms), regional ramp inspection programmes, regional pools of inspectors and regional occurrence reports and safety recommendations databases.

2.3   Regionalisation also provides efficiency gains through increased regulatory predictability and reduced costs for participating States and for the industry. It helps to optimise the use of critical resources for essential tasks, such as those that are safety relevant. In some regional systems certain oversight or regulatory functions are, or could be, exercised centrally. As an example the issuance of approvals, e.g. aircraft type certificates, maintenance organisations approvals, operator certificates and personnel licenses, have potential to trigger significant economies of scale when issued either centrally by an RSOO, or by its participating States under a common safety regulatory framework allowing mutual recognition of the approvals. In this case, regionalisation facilitates interoperability within the region, and can reduce significantly any differences vis-à-vis ICAO SARPs.

2.4   It facilitates the mobility of aviation personnel and companies by the recognition of a common safety regulatory framework. Finally, it brings economic benefits for regional and international industry in particular by removing the costs resulting from national regulatory differences and by providing industry external to the region with a simplified and centralised access to the region's market.

3.   REGIONALISATION IN THE ICAO FRAMEWORK

3.1   Regionalisation is not a new concept within ICAO. Over the years, it has been the subject of numerous discussions and deliberations, including in the context of previous Assemblies and high-level conferences, a dedicated RSOO Symposium in 2011, as well as the development of the latest draft version of the Global Aviation Safety Plan (GASP). Furthermore the concept of RSOO has been acknowledged in several ICAO documents, such as Annex 19 — *Safety Management* and Doc 9734, *Safety Oversight Manual*.

3.2   However, the focus of such past initiatives has, in most cases, been limited to regional cooperation aimed at supporting States in resolving safety deficiencies. Whereas this approach is and will remain necessary, the growing reality of regional aviation systems, in which the State and the regional level are further integrated, is not always well recognised and embedded in the ICAO system.

3.3   Certain limitations or overly burdensome processes remain as illustrated by the following examples:

  − In some regional aviation systems, licences issued on the basis on common legal rules, under the oversight of an RSOO, are automatically valid in all other participating States (without any administrative or bureaucratic process to render them valid). However, current SARPs require an authorisation to be carried out with the original licence. Introducing this purely administrative process when licence holders can exercise the privileges of their licences in different States within the regional system is counter-productive from a safety and economic perspective.

  − In the most integrated regional aviation systems, where States have conferred regulatory or oversight powers to their RSOO in some fields, efficiency gains could be achieved if ICAO relied on the RSOO to assess States' compliance to SARPs under USOAP/CMA activities. As regards fields of delegated competencies, the regional level could perform certain functions vis-à-vis ICAO on behalf of, and with the formal agreement of, its participating States.

  − In some regional aviation systems, a legal framework establishes the possibility to transfer State of Registry functions between participating States, in line with the objective of Article 83bis of the Chicago Convention. This pragmatic, robust and efficient legal framework should be recognised by ICAO and other States as a sui generis multilateral Article 83bis agreement instead of multiple bilateral agreements which would increase bureaucracy and complexity without any safety benefit.

3.4   The ICAO framework needs to have the flexibility to enable future developments that are needed to support regulatory and market developments, regardless of them being conducted in a purely State-based context or in a more cooperative environment. It should therefore recognise the reality of regionalisation and fully take this reality into consideration in future work on the ICAO framework.

3.5   From this perspective, it appears necessary to review ICAO provisions and practices to identify those that may require changes or interpretations to better enable the recognition and integration of the regional aviation systems, including their RSOO component, and other cooperative arrangements. The examples provided above of Article 83bis and of SARPs related to flight crew and other personnel licences are two illustrations of changes that may be required to better acknowledge the reality of regionalisation. This approach should also apply to future ICAO provisions, whose development should systematically take the regional dimension into account. In order to facilitate the recognition of regional aviation systems, including their RSOO component, and other forms of regional cooperation, these concepts should be more precisely defined.

3.6   Efficiency gains within ICAO and its Contracting States could be achieved if the specificities of regional aviation systems, including their RSOO component, and of other forms of regional cooperation are better taken into consideration within ICAO's internal processes and practices. This could include, where possible and justified, allowing regional aviation systems, including their RSOOs, to increasingly take part in the technical work of ICAO, beside the States.

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