



WORKING PAPER

ASSEMBLY — 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 30: Other issues to be considered by the Technical Commission

STANDARDIZATION OF CERTIFICATION REQUIREMENTS FOR FOREIGN OPERATORS

(Presented by the United Arab Emirates)

EXECUTIVE SUMMARY

Foreign operation oversight and certification requirements have increased over the past few years reaching a point where there is a crucial need for standardisation and harmonisation.

Action: The Assembly is invited to:

- a) acknowledge that there is a need to define Standards for foreign operator certification; and
- b) instruct ICAO to provide more guidance on what it is expected for the oversight of and certification of foreign operators to Member States, with due consideration that foreign operators play a significant positive role on the economic development and sustainability of any visited nations.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives.
<i>Financial implications:</i>	
<i>References:</i>	Annex 6 — <i>Operation of Aircraft</i> Annex 19 — <i>Safety Management</i> Doc 8335, <i>Manual of Procedures for Operations Inspection, Certification and Continued Surveillance</i>

1. INTRODUCTION

1.1 Aviation is one of the most regulated activity on the planet, because safety is of utmost importance.

1.2 To achieve an acceptable level of safety, a national aviation system requires the establishment of an appropriate oversight system for national and foreign aircraft operators.

1.3 The approval and safety oversight system for a foreign operator should be as per ICAO Doc 8335, *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance*.

Despite the establishment of such guidance, harmonization and standardization among the Contracting States are still difficult to achieve and the current situations warrants an increased attention by ICAO.

1.4 As stated in A39-WP/123, regulation, advanced in partnership with industry, and based on global Standards developed through the ICAO process, is a cornerstone of our success in making aviation so safe. However, over the last few years, the approval of foreign aircraft operators is turned out to be a formal certification process that has dramatically expanded in numbers and natures. Many regulators in the world have developed their own regulation and systems to manage the foreign operators' certification while an approval and continuous surveillance system is sufficient.

1.5 Such established process addresses State's obligation as per Article 6 of the Chicago Convention.

2. DISCUSSION

2.1 Each foreign operator's certification process is a time consuming process that requires additional resources. It could have as well the negative impact of deviating resource from safety enhancement and compliance as per State of Registry/State of the Operator's requirements.

2.2 Foreign Operator Approval Standard

2.2.1 The proliferation and increasing requirements of operations specifications above the Annex 6 — *Operation of Aircraft* minimum requirements, generated a unanimous plea from operators to States to achieve a common consensus and adopt harmonized requirements. There is a need to develop an international Standard laying down the requirements for foreign operator certification while at the same time maintaining the credit of the oversight activities performed by the State of Registry/State of the Operator.

2.2.2 Emphasis should then be put on the tools that could be used to facilitate the processing of the applications. The air operator certificate (AOC) register was an attempt to provide a common platform for regulators to access most of the information but delay in the project and lack of support from different stakeholders contributed to a situation where most of the states enforcing foreign operator certification requirements have developed their own process and applications. This multiplies the tasks and time required by the operators to provide the same information to the various authorities.

2.2.3 The need for very pragmatic foreign operators certification system is necessary and brings into picture other challenges.

2.2.3.1 There is limited information about processing time of the application by the authorities. Although most of them would issue the initial documents ahead of the start of the operation or the revalidated ones before the expiry dates, operators have highlighted the fact that on some occasions documents are not issued on time and that it could sometimes take months between application submission and documentation issuance thus placing undue operational restriction on the operator and safety-related resources mobilisation on unnecessary activities.

2.2.3.2 Information regarding foreign operator certification is sometimes not published or available in English.

2.2.3.3 A rationalisation of the required information / data / document would be beneficial. It should be limited to the one that will enhance the continued surveillance. Requesting each individual crew

licence copy, or operational manual copy etc., is an out of proportion decision that can unintentionally compromise safety. An aircraft operator's certification / continuing surveillance remains the prime responsibility of the State or operator and it cannot be superseded by a foreign operator certification unless an 83 *bis* agreement exist.

2.2.3.4 The United Arab Emirates reiterates that the sovereignty of each State is of paramount. However, the United Arab Emirates calls for a more realistic approach to ensure that air transport remains focused on safety and security at very cost-efficient pace. Any additional activities imposed of foreign operators should be commensurate to the safety concern foreign operators would introduce in another State's civil aviation system.

3. CONCLUSION

3.1 The Assembly is invited to:

- a) remind States through a State letter to limit their obligations on foreign operators to approval and continuing surveillance rather than full certification (as published in ICAO Doc 8335), unless the situation of a foreign operator qualifies for a more extensive "certification" due to the emergence of safety concerns; and
- b) instruct States to use data from the Universal Safety Oversight Audit Programme (USOAP), European Aviation Safety Agency (EASA) and Federal Aviation Administration (FAA) and to develop a data-driven risk approach as required by Annex 19 — *Safety Management* under the SSP framework.

— END —