



WORKING PAPER

ASSEMBLY — 40TH SESSION

TECHNICAL COMMISSION

Agenda Item 29: Aviation Safety and Air Navigation Regional Implementation Coordination Mechanisms

INITIAL IMPLEMENTATION OF THE GLOBAL AVIATION SAFETY OVERSIGHT SYSTEM (GASOS)

(Presented by the United States)

EXECUTIVE SUMMARY

The United States recognizes the need to assist Member States in improving their safety oversight capabilities, acknowledges the challenges, and supports ICAO's efforts to strengthen Regional Safety Oversight Organizations (RSOOs) and Regional Accident and Incident Investigation Organizations (RAIOs). Recognizing that the ICAO Council has approved GASOS for the strengthening and assessment of RSOOs and RAIOs to enable them to provide Levels 1 and 2 support to their Member States, this paper highlights recommendations for further action toward realizing this objective. While the GASOS model has the potential to enhance global safety oversight capabilities, further legal and technical study of the issues surrounding Levels 2 and 3 is needed. Implementation and development of the GASOS should ensure that these issues are addressed, in conjunction with a robust approach to program management emphasizing concept testing, data collection and analysis, and validation of the GASOS model.

Action: The Assembly is invited to:

- a) direct ICAO to establish a legal expert group comprised of a geographically diverse, representative number of State experts, to be supported by technical advisors, to continue the work of the Ad Hoc Legal Advisory Group (AHLAG);
- b) instruct the GASOS Study Group and the newly established legal expert group (the Groups) to continue working with the Legal and Air Navigation Bureaus to study and resolve the issues surrounding the development and implementation of the GASOS as recommended by the AHLAG, including ensuring that legal, governance, cost-benefit analysis, and other identified issues are thoroughly considered and addressed;
- c) ensure that the work of the Groups includes the review of data and information resulting from the continued implementation of Levels 1 and 2 to detect and address any new issues;
- d) reserve consideration of any changes to the scope of the GASOS implementation approved by the ICAO Council, until the performance of the current scope has been assessed and any legal/liability, cost-benefit, and governance issues are demonstrated to be fully resolved; and
- e) require ICAO to report regularly to Member States on the progress of these activities while ensuring that the continued implementation and development of the GASOS is acceptable to Member States.

Strategic Objectives:

This working paper relates to the Safety Strategic Objective.

<i>Financial implications:</i>	A40-WP/13 presented by the Council of ICAO refers.
<i>References:</i>	<ul style="list-style-type: none"> • A40-WP/13 presented by the ICAO Council • AN-Conf/13-WP/17 presented by the ICAO Secretariat • AN-Conf/13-WP/124 presented by the United States

1. INTRODUCTION

1.1 The Thirteenth Air Navigation Conference (AN-Conf/13) agreed to several actions relating to development of the GASOS (Recommendation 6.1.3/1 refers). It was agreed to present GASOS for endorsement at the 40th Session of the Assembly (A40) if the liability, governance, and cost-benefit analysis issues, and other concerns raised by the Conference have been addressed.

2. DISCUSSION

2.1 Recognizing that the ICAO Council has approved GASOS for the strengthening and assessment of RSOOs and RAIOS to enable them to provide Levels 1 and 2 support to their Member States, this paper highlights recommendations for further action toward realizing this objective. The ongoing work of ICAO and the GASOS Study Group (GASOS-SG) in combination with the Ad Hoc Legal Advisory Group (AHLAG) has highlighted the importance of a measured approach to implementation of the GASOS concept. Further study of the issues surrounding Levels 2 and 3 is required. Additional attention to the programmatic aspects of managing implementation of the GASOS concept is also needed. In particular, the following issues must be addressed before any change to the current scope of implementation of the GASOS could be considered:

2.2 Legal issues and review: ICAO’s Legal Bureau (LEB) convened the AHLAG in late 2018 to support the GASOS-SG. The LEB tasked the AHLAG with conducting a legal review of the proposed GASOS framework to include review of the possible risks with the transfer of tasks and competencies. The AHLAG identified several areas associated with Levels 2 and 3 requiring further review and analysis, detailed in a “stocktake” provided to LEB for further action. The AHLAG also offered several recommendations to LEB for further study/legal review. These included the establishment of a formal working group or technical task force (i.e., up to 20 qualified and geographically diverse legal and technical experts) to develop guidance materials and tools for Member States that intend to utilize a recognized Safety Oversight Organization. Additionally, the AHLAG identified the need to examine whether ICAO should focus on the qualifications of an assessed entity rather than its competency or capability. Although the work of the AHLAG concluded with the submission of the “stocktake” to LEB, ICAO has not addressed the recommendations for further legal and technical study of Levels 2 and 3.

2.3 ICAO should implement and complete the AHLAG recommendations for additional study and action, including the creation of a new, combined legal/technical expert group to continue this work in parallel to the ongoing work of the GASOS-SG. Such new expert group and the GASOS-SG should each identify appropriate liaison(s) to ensure coordination and collaboration between the two bodies. Additional recommendations resulting from further study of the issues identified by the AHLAG should be fully addressed and resolved as a priority within the current scope of GASOS implementation at Levels 1 and 2, and before any change to the current scope of implementation, including Level 3, could be considered.

2.4 Cost-benefit analysis (CBA): Following the AN-Conf/13, ICAO initiated a CBA activity to identify and quantify the benefits for Member States and the aviation industry envisioned to result from the GASOS. The CBA provided to the GASOS-SG in July 2019 for review indicated positive results; however, the scope and methodology of the analysis did not have sufficient data and has yet to fully establish the viability of the concept. ICAO should collect additional data for the CBA through the implementation of Levels 1 and 2 of GASOS. The CBA should also reflect the costs and benefits to/for Member States and RSOOs/RAIOs to participate in the GASOS.

2.5 The United States also supports continued efforts to analyze costs to ICAO in developing, implementing and managing GASOS as part of near and long-term program sustainability considerations. Such an analysis should consider initial costs for staff training, policy and guidance development, etc. as well as longer-term costs such as data management. Cost-benefit and cost impact analyses should be provided to the ICAO Council and to Member States for review as additional data is gathered.

2.6 Governance: ICAO and the GASOS-SG have identified potential mitigations to resolve some of the outstanding governance concerns since the AN-Conf/13 and the United States looks forward to the validation of these mitigations during GASOS implementation. The GASOS-SG and the new, combined legal/technical expert group to be established (paragraph 2.3 refers), should continue to analyze data through the implementation of Levels 1 and 2 and use this information to further develop and refine the GASOS risk register and guidance materials such as the GASOS Manual.

2.7 Continued effort is required to address improvements necessary to strengthen the GASOS assessment framework. A qualification assessment and recognition mechanism for RSOOs and RAIOS is the foundation of the GASOS concept and must be effective, properly scoped, and conducted by qualified personnel, recognizing that such mechanism may encourage Member States to call upon recognized organizations for specific safety functions and activities. Further development of a framework and guidance material to support States in monitoring the performance of RSOOs/RAIOs participating in the GASOS is also needed, recognizing that, while RSOOs/RAIOs may obtain ICAO recognition, Member States remain responsible for implementing ICAO Standards.

2.8 The United States urges, as ICAO implements the GASOS, that it prevent strain on Universal Safety Oversight Audit Program Continuous Monitoring Approach (USOAP CMA) program resources and conflict of interest concerns. ICAO should monitor the use of shared USOAP auditors and GASOS assessors, since the same individuals should not be utilized to assess both RSOOs/RAIOs and their Member States. ICAO must also establish, implement, and validate the effectiveness of mechanisms for the communication of relevant information from the GASOS to the USOAP CMA.

2.9 Program Management: ICAO must ensure attention to effective program management in the continued development and implementation of the GASOS, as well as for the development of any future such programs envisioned for global implementation. The effort to design and implement a complex new initiative such as the GASOS during a short two to three-year period has highlighted the criticality of strengthening coordination mechanisms and stakeholder management within and across the ICAO Bureaus and effectively leveraging experts provided by Member States and others.

2.10 It is important to ensure that the GASOS includes a defined implementation schedule together with clear deliverables and success criteria, and is grounded in transparency of concepts and documentation developed through a consultative process utilizing Member State and stakeholder expertise. Programmatic performance criteria for the GASOS and a framework to measure and report performance against these criteria should also be established.

2.11 Implementation of the GASOS concept requires not only an initial recognition process, but also a framework for the ongoing management of the GASOS and the recognized RSOOs/RAIOs providing safety functions and activities, which must be tested and validated. All documentation related to implementation activities should be made available to the supporting expert group(s) to enable the group(s) to provide meaningful technical recommendations.

2.12 Finally, ICAO must ensure that the continued implementation of Levels 1 and 2 of the GASOS is both transparent to and acceptable to Member States. Transparency should be reflected in regular updates, sharing of all supporting written documentation, consultation with Member States through State Letter and/or decisional meetings and conferences, and confirmation of satisfactorily resolving identified concerns within and external to ICAO.

3. CONCLUSION

3.1 Continued implementation of the GASOS concept requires fully addressing all of the issues identified above, before considering any change to the current scope. ICAO must also collect and analyze financial/cost, performance, and safety-related data and information from the implementation of Levels 1 and 2, and continue to work with supporting expert groups to detect and address any new issues.

3.2 The United States recognizes the importance of increased cooperation to meet the anticipated growth in international air transportation, and acknowledges the potential benefits to be realized through the investigation of new models to aid Member States in executing their safety oversight responsibilities.

3.3 The United States has actively participated in both the GASOS-SG and the AHLAG, and looks forward to continued collaboration with ICAO, Member States, and other stakeholders in identifying and addressing opportunities for improvement going forward.

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