



WORKING PAPER

ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 15: Audit Programmes – Continuous Monitoring Approach

IMPACT OF UPDATING THE PROTOCOL QUESTIONS (PQs) ON THE PERCENTAGE OF EFFECTIVE IMPLEMENTATION OF AUDITED STATES

(Presented by Paraguay, co-sponsored by Chile, Colombia, Guyana, Panama, Peru, Suriname, Uruguay and Venezuela (Bolivarian Republic of))

EXECUTIVE SUMMARY

This paper presents experiences of the negative impact on effective implementation (EI) percentages resulting from the use of revised and/or updated protocol questions (PQs) in States that had already been audited by the USOAP CMA prior to the PQ revision. The paper also sets out the need for ICAO to conduct analyses to determine how standard international methodologies should be applied to audits that require the use of revised PQs during USOAP CMA activities, such as on-site and remote audits and other validation activities, without affecting the results that had already been obtained from those activities using the PQs that were in force before the revised and/or updated PQs came into effect. In order to promote State trust and credibility, when official audits are conducted using internationally valid criteria and elements, the audit results shall not vary after subsequent modifications of said criteria, without a new on-site audit being conducted that applies the new criteria or methodology.

Action: The Assembly is invited to encourage ICAO, with respect to States' EI scores obtained from a USOAP CMA activity assessment, to analyse and take appropriate measures in accordance with international audit standards on the application of revised and/or updated PQs. Therefore, we propose the following actions:

- a) take note of the information in paragraphs 2 and 3 of the present paper;
- b) that ICAO analyse and consider in future that for the application of the new revised and/or updated PQs for USOAP CMA activities, it apply criteria and methodologies in line with the international standards for assessment through audits or validation activities, without affecting the results already established through prior activities using the previous version of the PQs; and
- c) that the USOAP CMA apply the revised PQs to audit activities, ICVMs and other validation activities after they come into effect so that State EI scores are updated in an objective, clear manner.

<i>Strategic Objectives:</i>	This working paper relates to the Strategic Objective: Safety
<i>Financial implications:</i>	None

¹ Spanish version provided by Paraguay.

<i>References:</i>	<i>Doc 9735, Universal Safety Oversight Audit Programme Continuous Monitoring Manual</i> <i>Doc 9859, Safety Management Manual</i>
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1. INTRODUCTION

1.1 The Protocol Questions (PQs) are the main tool used in the ICAO Universal Safety Oversight Continuous Monitoring Approach (USOAP CMA) to assess the degree of effective implementation of a State's safety oversight system. The questions are based on ICAO Standards and Recommended Practices (SARPs), Procedures for Air Navigation Services (PANS), and other ICAO documents and guidance material. The PQs are organized by audit areas, and each question is associated with a critical element (CE) of a State's safety oversight system. ICAO periodically revises the PQs to reflect the amendments to ICAO provisions and reference documents.

1.2 A USOAP CMA audit is an activity during which ICAO assesses the effective implementation of the critical elements (CEs) of a safety oversight system and conducts a systematic and objective review of a State's safety oversight system in order to verify the degree of State compliance with the provisions of the Convention or national regulations and its implementation of the Standards and Recommended Practices (SARPs), and ICAO procedures and best aviation safety practices.

1.3 The 37th Session of the Assembly (28 September to 8 October 2010) adopted Resolution A37-5 on the evolution of the USOAP CMA as a mechanism for continuously monitoring State safety oversight capacity. The CMA was officially launched in January 2013 at the end of a two-year transition. Under the USOAP CMA, ICAO conducts various activities including audits, ICAO coordinated validation missions (ICVMs), and validation activities.

1.4 ICAO's USOAP CMA audits are the methodology used to determine the percentage of effective implementation by States in international civil aviation.

2. ANALYSIS

2.1 Article 37 of the Convention requires each Contracting State to collaborate to secure 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.

2.2 The Thirteenth Air Navigation Conference (AN-Conf/13) drafted recommendations that were accepted by the Council for the continued development of the USOAP methodology, process and tools to ensure that the continuous monitoring function of States would continue to be robust, relevant, and up to date.

2.3 It should be underscored that the aim of a USOAP CMA activity is to determine a State's safety oversight capacity by assessing the effective implementation of the CEs of the safety oversight system and the degree of implementation by the State of all of the ICAO safety-related SARPs and procedures, guidance material and related best practices. The audits adapt to the complexity of the State's civil aviation system.

2.4 Electronic Bulletin 2021/36 announces that in December 2020 the International Civil Aviation Organization (ICAO), through Monitoring and Oversight (MO) of the Air Navigation Bureau (ANB), published the 2020 edition of its Protocol Questions (PQs). This edition of the PQs was developed

in accordance with the recommendations and observations of the Group of Experts for the Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Structured Review (GEUSR), as well as updates based on the amendments to ICAO provisions (e.g. Annexes to the *Convention on International Civil Aviation* (Doc 7300), Procedures for Air Navigation Services (PANS) and guidance material) and State and stakeholder feedback.

2.5 The ICAO Electronic Bulletin states: *The Effective Implementation (EI) scores of States, as reflected on the USOAP CMA online framework, may change slightly due to the introduction of the 2020 edition of the PQs. ICAO projects that the global EI will decrease by 1.53 per cent when calculated against the previous edition of the PQs.*

2.6 Also, paragraph 3 of Electronic Bulletin 2021/3 mentions that the 2020 edition of the PQs will apply to all USOAP CMA activities (on-site and remote activities) as of 1 June 2021. For activities starting before this date, the 2017 edition of the PQs will continue to apply. However, the change was implemented, and it affected the percentage of effective implementation (EI) of States that had already been audited before the 2020 version of the PQs took effect.

2.7 Greater clarity is needed with respect to the criteria used by the Monitoring and Oversight (MO) entity of the Air Navigation Bureau (ANB), despite this having been a recommendation and observation of the Group of Experts for the Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) Structured Review (GEUSR).

2.8 The implementation of the 2020 version of the PQs in the OLF is having a negative impact on the percentage of effective implementation, for example the impact on Paraguay, which was equivalent to 3.55% (EI) less than the score achieved during the ICVM in 2016 (71.33%).

2.9 Paragraph 4 of the ICAO Electronic Bulletin 2021/36 states the following: *It is important to note that there is no recognized correlation in the changes to States' EIs by audit area, critical element (CE) or region.* However, according to data from the OLF, the percentage of implementation of the audit areas varied. This has a negative effect on the global percentage, as is demonstrated in the following table.

EFFECTIVE IMPLEMENTATION (EI) BY AREA – 2020 version of PQs in effect				
AREAS	Audit Year 2009	ICVM Year 2016	Application of 2020 Ed. PQs	Difference 2016 vs. 2020
LEG	59.09	80.95	80.95	0
ORG	12.5	62.5	57.14	5.36
PEL	55	61.25	58.33	2.92
OPS	34.21	50	44.68	5.32
AIR	57.94	87.85	87.64	0.21
AIG	65.17	79.78	75.36	4.42
ANS	61.31	84.52	84.11	0.41
AGA	51.85	59.26	55.36	3.9

2.10 The table below provides a detailed comparison of the data concerning the impact on the eight critical elements of the safety audit before and after the migration to the 2020 edition protocol questions as of 28 October 2021.

COMPARISON OF EFFECTIVE IMPLEMENTATION BY CRITICAL ELEMENT				
CRITICAL ELEMENTS	Audit Year 2009	ICVM Year 2016	PQ 2020 (Oct 2021)	Difference 2016 vs. 2020
CE-1	83.87	90.32	85.71	4.61
CE-2	70.1	84.38	81.94	2.44
C2-3	62.32	84.06	78	6.06
CE-4	22.39	55.22	50	5.22
CE-5	54.76	78.57	74.23	4.34
CE-6	52.53	64.52	63.19	1.33
CE-7	41.89	59.46	56.67	2.79
CE-8	57.14	66.67	60	6.67

2.11 The civil aviation authority of Paraguay has officially submitted to ICAO Headquarters a corresponding analysis of the negative impact of the 2020 PQs on the EI that had already been obtained during the CMA ICVM in 2016.

3. CONCLUSION

3.1 Taking into account the factors and criteria reported by ICAO, and highlighting the results of an international audit conducted using criteria and elements in effect at the time of the audit, greater clarity is required concerning the methodology used by the Monitoring and Oversight (MO) entity of the Air Navigation Bureau (ANB).

3.2 We conclude that the results of an on-site audit officially announced by a letter from ICAO cannot be modified without a new on-site assessment being conducted using the new criteria or methodology adopted recently by ICAO for USOAP CMA activities.

3.3 States should be informed of this migration to a new edition of PQs and of its impact on implementation through an official ICAO notification so that the civil aviation authorities can have clarity and confidence concerning the validity of the criteria used and the procedure applied, which has affected States' percentage of effective implementation.

3.4 It is important to mention and highlight that when an audit is officially conducted using internationally valid criteria and elements established by ISO standards, the results shall not vary along with modifications to the protocol questions (PQs) made after the audit or other validation activity conducted before the 2020 version came into effect.