



WORKING PAPER

ASSEMBLY — 41ST SESSION

TECHNICAL COMMISSION

Agenda Item 31: Aviation Safety and Air Navigation Standardization

**GUIDANCE MATERIAL ON ANS REGULATORY OVERSIGHT
AND CERTIFICATION OF ANSPs**

(Presented by Bangladesh)

EXECUTIVE SUMMARY

This working paper highlights the challenges faced by various States in the provision of safety surveillance in the different areas of Air Navigation Services (ANS) in the absence of ICAO Guidance Materials.

Reference is being made to the *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance* (Doc 8335), offering guidance for surveillance activities covering flight operations (OPS) and airworthiness (AIR) areas. But, there is a vacuum as there is no such guidance material in air navigation services (ANS) audit area and certification of air navigation services providers (ANSP).

To assist the Member States in the development and implementation process of ANS safety oversight activities, we as a member State believe that more technical guidance and implementation support should be forthcoming. A provision of such a Guidance Material from ICAO for the ANS audit area and certification of ANSP would allow the States in adopting unified processes for such activities.

Action: The Assembly is invited to:

- a) note the information in this paper;
- b) suggest the States deliberate on the issue and provide comments to support the issue; and
- c) request ICAO to consider providing Guidance Material on ANS regulatory oversight and certification of ANSP.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives on Safety and Air Navigation Capacity and Efficiency.
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<i>Financial implications:</i>	Not Applicable
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<i>References:</i>	Doc 8335, <i>Manual of Procedures for Operations Inspection, Certification and Continued Surveillance</i> . Doc 9734, <i>Safety Oversight Manual, Part A The Establishment and Management of a State's Safety Oversight System</i> Doc 9859, <i>Safety Management Manual</i> Doc 10160, <i>Report of the High-Level Conference on COVID-19 (HLCC 2021)</i>
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1. INTRODUCTION

1.1 The importance of the eight audit areas of the Universal Safety Oversight Audit Programme (USOAP) in assessing the State's capability of safety oversight can never be overemphasized. While the eight critical elements (CEs) of a safety oversight system cover the whole spectrum of civil aviation activities in the State, its effective implementation is an indication of the State's capability for safety oversight.

1.2 ICAO requires that each Member State should address all eight CEs in its effort to establish and implement an effective safety oversight system that reflects the shared responsibility of the State and the aviation community.

1.3 Protocol Questions (PQs) remain the primary tool for assessing the level of effective implementation of a State's safety oversight system. PQs are based on ICAO Standards and Recommended Practices (SARPs), associated Procedures for Air Navigation Services (PANS) and other ICAO guidance materials while taking into consideration the CEs.

1.4 In answering the Protocol Questions, the absence of a guiding document from ICAO on the surveillance activities has been the contributing factor for the States in adopting methods as applicable to their individual aviation activities. Following a harmonized policy would also allow ICAO to assess State's capabilities using a uniform methodology.

2. DISCUSSION

2.1 ICAO has developed Doc 8335 offering guidance in the areas of flight operations (OPS) and airworthiness (AIR) and as to how to perform surveillance specifically per area including the air operator certificate (AOC), safety oversight, relevant aspects of the lease, charter and interchange of aircraft and the surveillance by States of foreign operators.

2.2 The referred Doc 8335 gives guidance for the establishment and maintenance of safe, regular and efficient international commercial air transport operations in accordance with the provisions of the Convention on International Civil Aviation and its associated Annexes, principally Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes*; and Part III — *International Operations — Helicopters*, Section II, International Commercial Air Transport.

2.3 Whenever USOAP findings indicate that a State has experienced difficulties in the implementation of SARPs and the critical elements of a safety oversight system, ICAO has always been providing assistance in improving the capabilities of the State, through its guidance materials.

2.4 However, in ANS there is no equivalent of Doc 8335 to help States in the conduct of surveillance, and procedure of ANSP certification. The variety in the nature and scope of the industry and countries require the State to use internal intelligence work to tailor their activities. These internal intelligence works are naturally not harmonized and States use different methodologies to meet their challenges.

2.5 The State Regulatory System, in the absence of a guiding document and in a bid to verify compliance with their national requirements resorts to developing a mechanism (inspections, fixed-checklist, tailored-checklist, audits, review of information sent by the ANSPs, follow-up of the “Safety Reviews and Safety assessments”, remote monitoring, surveys, etc.).

2.6 In trying to make the ANSP a compliant one, a frequent mistake done by the States is to plan an “Audit” of their Service Providers with a Fixed-Checklist assessing the USOAP PQs. This is a kind of *Pseudo Surveillance*, whereas the audit should have been done to assess the implementation of the State’s national requirements.

2.7 Had there been a formal ICAO guidance material, the procedure of affecting surveillance in the ANS areas would have been a unified one. This would in the long run not only help the States in fulfilling their commitment but might also help ICAO in assessing the State’s capabilities in a more standardized way.

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