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ASSEMBLY — 41ST SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Facilitation Programmes

**LIMITATIONS ON THE IMPLEMENTATION OF THE STATE OVERSIGHT PROGRAMME
FOR AIR OPERATORS OF THE BOLIVARIAN REPUBLIC OF VENEZUELA**

(Presented by Venezuela (Bolivarian Republic of))

REVISION NO. 1

EXECUTIVE SUMMARY

The State Oversight Programme of the Bolivarian Republic of Venezuela requires the Civil Aviation Authority (CAA) to oversee, nationally and internationally, the performance of national air operators in various areas, namely operations, aviation security, safety and service quality (consumer protection). Its purpose is to audit the implementation of practices conducive to trustworthy, safe and efficient operations with a view to finding that they maintain conditions for displaying an air operator certificate (AOC). In implementing the State Oversight Programme, aviation personnel must travel to various international stations at which the air operator operates. In recent years, however, there has been concern at the increase in some State requests that authorization, such as visas, be sought for the temporary entry of aviation personnel, which has become a factor of hindrance in carrying out planned programme activities.

Action: The Assembly is invited to:

- a) note the information presented in this working paper in order to exchange impressions on this matter; and
- b) promote a framework for collaboration between aviation authorities and migration authorities, under which aviation personnel may act in order to carry out the continuous monitoring activities that national air operators conduct in other States.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives <i>Safety, Security & Facilitation</i> and <i>Economic Development of Air Transport</i>
<i>Financial implications:</i>	
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> , signed at Chicago on 7 December 1944 and amended by the ICAO Assembly Annex 6 — <i>Operation of Aircraft</i> Annex 9 — <i>Facilitation</i> Annex 17 — <i>Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference</i> Doc 8335, <i>Manual of Procedures for Operations Inspection, Certification and Continued Surveillance</i>

¹ Spanish version provided by Venezuela (Bolivarian Republic of).

1. INTRODUCTION

1.1 The Aviation Authority of the Bolivarian Republic of Venezuela, as part of its oversight functions, implements a State Oversight Programme targeting all activities carried out in the civil aviation sector, pursuant to the provisions of the International Civil Aviation Convention and the Annexes thereto, which stipulate that States must implement a systematic procedure for initial inspection, certification and continuous monitoring of safety and civil aviation.

1.2 With regard to certified commercial air transport service operators, the State Oversight Programme activity is designed to oversee strict compliance with the provisions of manuals and standard-setting instruments that determine the operation of the commercial air transport service providing firms, which must be audited and checked in situ by the Aviation Authority. Oversight covers, inter alia, the quality of the service (consumer protection) provided by the Operator, in consonance with the Constitution of the Bolivarian Republic of Venezuela, which provides in Article 117: “*All persons shall have the right of access to goods and services of good quality*”, and in strict compliance with the rules contained in the General Conditions of Air Transport, under which the air carrier or air operator are under an obligation to have, in each one of the airports in which it operates, technical, human and logistical resources, according to the axis number of operations and passengers; staff must be duly trained in quality service provision.

1.3 Moreover, implementation of the State Oversight Programme leads to the identification of weaknesses in processes carried out by the air transport service provider and of any non-compliance. In addition, it encourages the implementation of the action plans required to ensure that such findings are remedied and that the component units of the organization are consistent with the provisions of the approved manuals.

1.4 It is consistent with Doc 8335, *Manual of Procedures for Operations Inspection, Certification and Continued Surveillance*, which provides States with detailed guidance on the establishment and maintenance of safe, regular and efficient international commercial air transport operations in accordance with the International Civil Aviation Convention and the Annexes thereto, in particular Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes*.

1.5 Similarly, Annex 9 — *Facilitation* and Annex 17 — *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference* require in their Standards and Recommended Practices (SARPs) that each contracting State take a comprehensive systems approach (CSA) to oversight that includes compulsory auditing for the purpose of examining the level of implementation of security provisions. This implementation of Annex 17 provisions is in turn overseen by the Universal Safety Oversight Audit Programme (USOAP) under the Organization’s continuous monitoring approach (USOAP-CMA).

1.6 For its part, USOAP provides that the basis of security for the commercial air transport operator is oversight by the State, whose objective is to ensure that the national aviation industry meets requirements equivalent to or higher than those set in the International Civil Aviation Organization (ICAO) SARPs in order to guarantee an acceptable level of security.

2. SITUATION

2.1 In implementing the State Oversight Programme, specialized technical personnel must travel to the various international stations at which the air operator operates. However, the requirement of immigration visas has become an obstacle to the efficient conduct of planned Programme activities because the procedure and related charges are designed for tourist visas only, thus defeating the purpose of oversight missions, leading in most cases to non-approval and, consequently, non-execution of the activity.

2.2 Faced with this scenario, the Bolivarian Republic of Venezuela has been obliged to deal with the issue which has caused unnecessary delays in the auditing of the air operators' new international stations and in station inspection for airline certification, among other activities, thus compromising safety and aviation security, as well as international technical standards in force.

3. CONCLUSION

3.1 In view of the foregoing, it is considered that it is necessary for States to review the matter in order to evaluate the implementation of an alternative that fulfils government migration provisions but does not affect activities inherent to civil aviation. Accordingly, it is suggested that, within the framework of cooperation, the signatory States of this prestigious Organization evaluate the introduction of a special visa for technical aviation personnel under a simplified procedure, detailing and validating, among other aspects, the purpose and scope of the mission, and its time frame, account being taken of dynamics characteristic of this important sector. By the same token, it is recommended that a cooperation channel be opened through accredited embassies to facilitate the procedure, considering that these visits are short and are made for purposes other than tourism, and even to contemplate the removal of the visa requirement for this kind of mission in States that have this kind of policy in mind.

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