

INTERNATIONAL CIVIL AVIATION ORGANIZATION

Seventh Meeting of Civil Aviation Authorities of the SAM Region (RAAC/7)

(Salvador, Bahia, Brazil, 1–3 July 2002)

Agenda Item 3: Regional Safety Oversight Cooperation System

(presented by the Secretariat)

Summary

This working paper describes the progress made since RAAC 5 to determine the feasibility of establishing a Regional Safety Oversight System in South America and the subsequent launching of Regional Project RLA/99/901 for the implementation of said system. It also presents the working programme adopted to assist the participating States meet their safety needs.

References:

Report of the RAAC/5 Meeting;
Working Paper A33-WP/47 Ex/10; and
Assembly Resolution A/29-3 C-WP/11749.

1. Introduction

1.1. In Article 37 of the Convention on International Civil Aviation signed in Chicago on 7 December 1944 (Chicago Convention), the Contracting States, on accepting the international standards and recommended practices (SARPs) for air navigation safety, implicitly assume their responsibilities. The standards and recommended practices on the subject of safety oversight appear in Annex 1 – Personnel Licensing, Annex 6 – Aircraft Operation, and Annex 8 – Airworthiness.

1.2. The RAAC/5 Meeting, held in Cusco, Peru on 5-7 June, examined the problems that some SAM States were having in fulfilling their safety oversight obligations and the causes of the deficiencies or problems that civil aviation administrations were confronting. The Authorities engaged in a fruitful exchange of opinions and agreed to propose concrete action for institutional reorganisation in order to give safety oversight the importance it requires.

1.3. Additionally, RAAC/5 recognised that the various technical cooperation mechanisms established by ICAO to assist States with their safety oversight activities are an effective tool for civil aviation administrations in this field. It accordingly requested that ICAO study the feasibility of creating an agile, dynamic multinational or regional safety oversight body with supranational authority that would function under the direct coordination of ICAO through its Regional Office to help States fulfil their responsibility for applying ICAO standards and recommended practices.

1.4. It was reported at RAAC/6 that, in response to this request, ICAO had set up a Working Group under Project RLA/95/003. This group conducted a feasibility study on the establishment of the multinational safety oversight system, covering the legal aspects, technical considerations, availability of personnel, operational and organisational structure, viability in the long term, and the cost of an arrangement of this kind. .

1.5. At the 32nd Session of the Assembly (1998), it was decided to set up a universal safety oversight audit programme (USOAP) that would include compulsory, systematic and harmonised regular audits to determine the status of implementation, by the States, of the critical elements of the safety oversight system and the corresponding standards and recommended practices, related procedures and safety guidelines.

2. **Problems identified by the ICAO Universal Safety Oversight Audit Programme (USOAP)**

2.1. Thus far, the audit follow-up missions have proven highly successful. These missions have been conceived with the aim of validating the action plan, identifying the problems States have faced in the implementation process and determining whether it is necessary to turn to external assistance to resolve the safety problems identified in the course of the audits. The follow-up missions are carried out only when the interested State shows evidence of having advanced in the execution of its action plan. By 31 December 2001, the States had presented 165 action plans on corrective measures and had prepared 159 summarised reports. The completion of the reporting procedure of the first audit cycle was foreseen for April 2002.

2.2. Most of the States that have been visited have made significant progress towards resolving the operational safety problems identified in the audits and establishing an effective safety oversight system. The initial results of the follow-up audits carried out thus far indicate that there is a firm commitment on the part of the Contracting States to follow through with the agreed action plan.

2.3. Pursuant to Assembly Resolution A33-8 regarding the continuation and broadening of the ICAO Universal Safety Oversight Audit Programme, the Secretariat continues its follow-up missions. Of the States visited, 3 belong to the SAM Region.

2.4. The results of the first follow-up missions indicate that most of the States that have been visited have truly committed themselves to put the agreed action plan into practice and have also made considerable progress towards resolving the safety problems detected by the audits. As a result, the average lack of implementation of critical elements of the safety oversight system identified in the audits has dropped from 21.82% to 7.2%.

2.5. The audit findings and differences database (AFDD) continues to provide valuable information that can be produced in the form of statistics, tables and graphs. At present, each Contracting State is receiving a graph showing its progress in the effective application of critical elements as an appendix to the final summarised reports of the follow-up audits. The information collected during the audits and the follow-up missions offers a unique opportunity to improve safety. The ICAO General Secretariat considers that non-confidential information should be appropriately shared with interested parties in order to improve and reinforce worldwide aeronautical safety.

3. Project RLA/99/901, Regional Safety Oversight Cooperation System

3.1. The working group that was formed through the RLA/95/003 project in answer to the request to ICAO to establish a multinational or regional safety oversight body concluded that the simplest mechanism for setting up the system was a memorandum of understanding between ICAO and LACAC. The two organisations studied the Memorandum at a series of meetings that ended with its signing in Montreal on 1 October 1998.

3.2. In order to complete the documentation for the System, LACAC drew up an agreement through which interested States could join the Regional System and which would enter into effect as soon as at least six States had signed it. It was also ratified that ICAO would be responsible for administering the System under a trust fund agreement between the participating States and the Organization.

3.3. In addition, ICAO prepared the letter of agreement on the trust funds and the regional technical cooperation project document that would underpin the operation of the regional system (RLA/99/901). These documents were approved and signed by Argentina, Bolivia, Brazil, Chile, Cuba, Ecuador, Panama, Paraguay and Peru. Airbus Industries has joined the system as an observer under the agreed terms.

3.4. At the Sixth Regular Meeting of Participants in the System, held in Asuncion, Paraguay, on 12 March 2002, United States confirmed its decision to join the System,. However, due to its budget commitments, it will not be able to do so until its next budget management period.

3.5. Likewise, Colombia reported that it was analysing the details for joining the System and the Brazilian aircraft manufacturer, EMBRAER, also confirmed its intention to join the System as an observer.

4. 2002 Programme of activities of the Regional System

4.1. The Regional System started operating with the hiring of an operations expert who started work in the second week of March 2002 and with the outfitting of the project office.

4.2. On programming the activities of the System for 2000, it was considered that the safety oversight audit activities are fully covered by the ICAO Universal Safety Oversight Audit Programme (USOAP) and that the meeting of Latin American Ministers of Transportation and Civil Aeronautics Directors, held in Bogotá, Colombia, on 13 December 2000, strongly emphasised the need to harmonise regulations.

4.3. In addition, ICAO Resolution A29-3 urges States and groups of States to take positive steps to promote the worldwide harmonisation of national regulations governing the application of ICAO standards.

4.4. It also urges States, in their application of the standards of the Organization, insofar as possible, to use the precise language employed in ICAO regulatory standards for their own national regulations and to try to harmonise their national regulations with those of other States based on the most stringent standards they already have in effect or plan to apply.

4.5. The system recognises that the key to establishing a Regional Safety Oversight System, as requested by RAAC/5, is to initially establish harmonised aeronautical regulations in the Region so that the same certification and surveillance requirements are used in the different States and the compliance with the standards set out in ICAO Annexes 1, 6 and 8 is guaranteed.

4.6. The States have traditionally taken the regulations and guidelines of FAA inspectors as a basis, translated them and incorporated them as national standards. This strategy for developing standards has helped to ensure a certain degree of harmonisation within the Region.

4.7. Nevertheless, certain States--particularly those with a very small aeronautical industry--have had problems interpreting, implementing and complying with those standards, which are very complicated, given the size and kind of industry they have.

4.8. Furthermore, the FAA standards are not easily understood by the users. In a recent survey conducted by the FAA, a group of pilots were asked to describe in one word what they thought of the FAA regulations. Their answers:

- Obtuse
- Byzantine
- Bothersome
- Confusing
- Obsolete

4.9. As part of the RLA/95/003 project activities, an AIR/OPS/PEL group of experts was formed, which helped to draft the Latin American aeronautical regulations known as LARs.

4.10. These draft regulations were drawn up on the basis of FAA regulations and, consequently, share the same weaknesses.

4.11. The LARs need to be revised and improved under a principle of using clear language and establishing certain rules of construction to ensure their acceptance in the future by the States and by industry and to facilitate their implementation.

4.12. In addition, the project provides for the establishment of cooperative inspection agreements. Within that framework, the project plans to conduct a series of certification trials of Aircraft Repair Shops in order to help the regional System collect information about and experience on any logistics difficulties that could arise when a multinational team carries out its certification and inspection activities and the States grant certification. A programme is also being prepared for the implementation of a regional cooperation system to approve aircraft repairs and modifications.

5. **Future of the Regional System**

5.1. As stated above, the RAAC/5 asked ICAO to create a agile, dynamic multinational or regional safety oversight body with supranational authority that would function under the direct coordination of ICAO through its Regional Office.

5.2. Project RLA/99/901 will lay the groundwork for establishing this multinational body with a structure similar to that of the Joint Aviation Authorities of Europe (JAA), which is a body associated with the European Civil Aviation Conference (ECAC) representing the civil aviation regulating authorities of several European States that have agreed to cooperate in developing and implementing common procedures and standards for keeping safety standards high and consistent in order to maintain an equivalent environment of competition in Europe. The JAA also attaches high priority to harmonising regulations with those of the FAA.

6. **Suggested action**

6.1. The meeting is invited to take note of the information presented in this working paper and to exchange views in order to:

- a) Support the activities of Project RLA/99/901 with regard to the harmonisation of aeronautical standards.
- b) Support the measures resulting from the activities of Project RLA/99/901 for the establishment of a regional safety oversight body.
- c) Take any other measures that are deemed necessary.

APPENDIX A

Tentative Programme of Activities for 2002

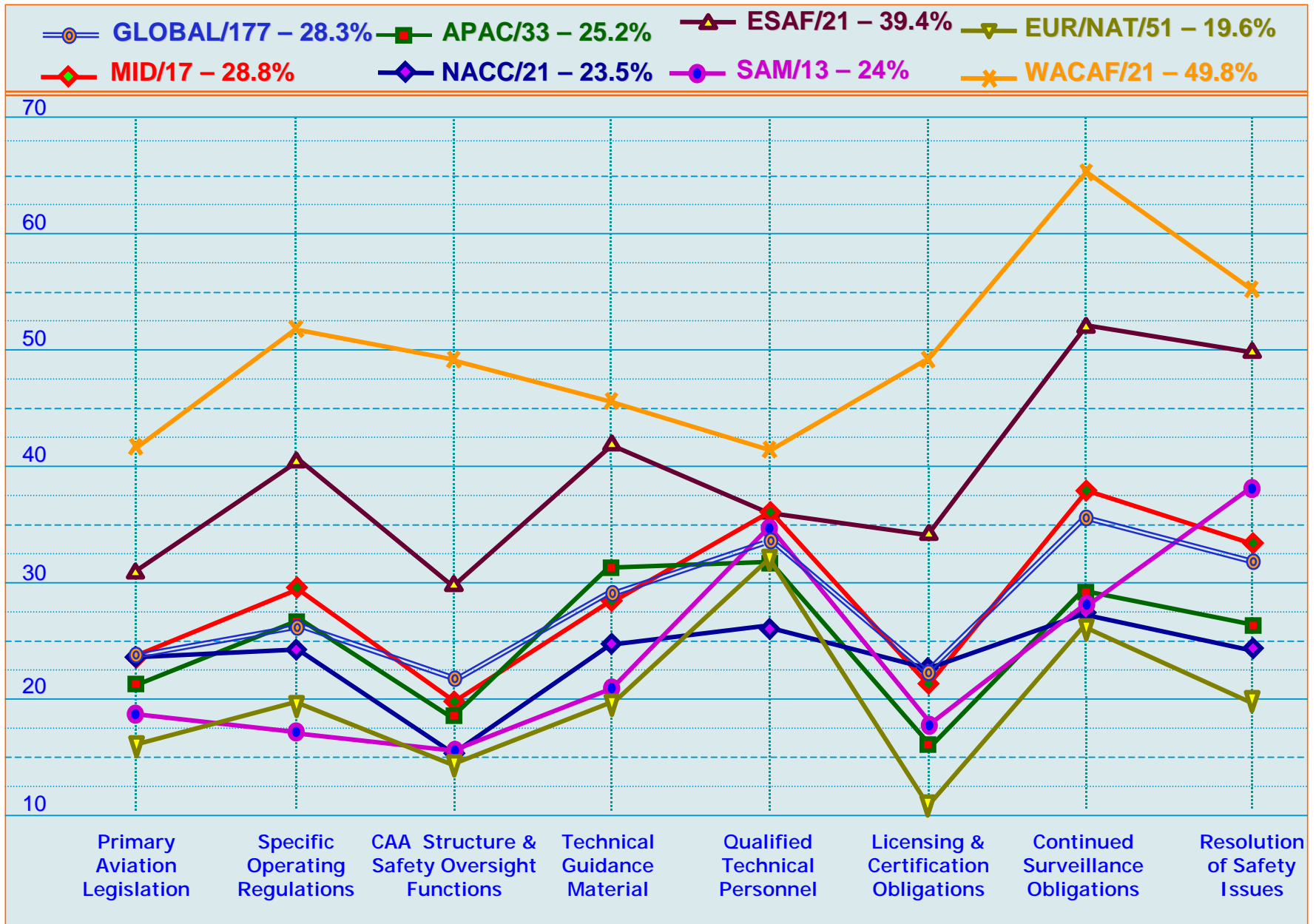
- a) Define the rules of construction of the LARs and establish the principle of using clear language in their wording.
- b) Revise the LARs in accordance with the new rules of construction and clear language.
- c) Circulate the final draft of the revised LARs among the participating States to collect their comments.
- d) Prepare a strategy for implementing the LARs in the Region, for consideration at the next General Meeting of Participants in the System.
- e) Work out a timetable for the certification trials of Aircraft Repair Shops and develop the following:
 - a certification standard (LAR 145)
 - a certification procedure in each participating State
 - guides for the multinational certification teams
- f) Prepare a survey to be conducted among the participating States to determine the regional human resource potential in the areas of aeronautical engineering, airworthiness, operations and personnel licensing.
- g) Determine the training needs in aeronautical engineering, so as to set up a regional system to assist participating States with the approval of major aircraft repairs and modifications.
- h) Prepare a timetable for implementation of a regional system for approving major aircraft repairs and modifications.
- i) Advise the participating States that so require on how to determine their needs for technical assistance on safety.

Draw up the draft programme of activities and revise the System budget for the next budget management period.

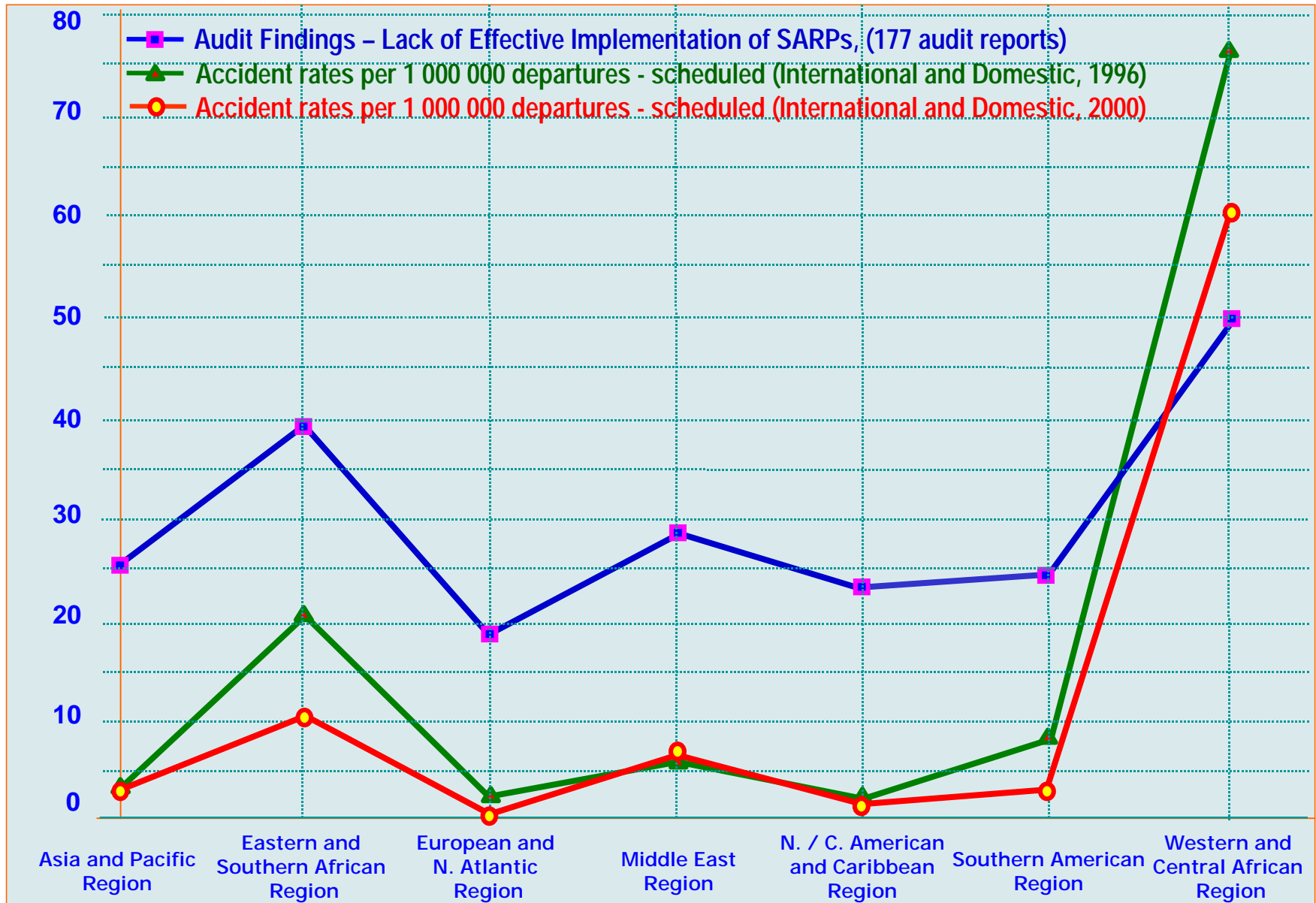
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RAAC/7-WP/NE/4 - Appendix/Apéndice B-1
 SAFETY OVERSIGHT SYSTEM CRITICAL ELEMENTS (Doc 9734)

Lack of Effective Implementation (%)



RAAC/7-WP/NE/4 – Appendix/Appendice B-2
Association between findings and accident rates



RAAC/7-WP/NE/04 – Appendix/Appendice B-3
 SAFETY OVERSIGHT SYSTEM FUNCTIONS (Doc 9734)
 Lack of Effective Implementation (%)

○ GLOBAL/177 – 28.3% ■ APAC/33 – 25.2% ▲ ESAF/21 – 39.4% ▼ EUR/NAT/51 – 19.6%
 ◆ MID/17 – 28.8% ◆ NACC/21 – 23.5% ● SAM/13 – 24% ✕ WACAF/21 – 49.8%

