



International Civil Aviation Organization

WORKING PAPER

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ASSEMBLY — 40TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Audit Programmes – Continuous Monitoring Approach

ESTABLISHMENT OF A MINIMUM PERCENTAGE OF CERTIFIED AERODROMES FOR SATISFACTORY STATUS IN PROTOCOLS ON THE CERTIFICATION OF AERODROMES

(Presented by the Dominican Republic)

EXECUTIVE SUMMARY

This working paper proposes that, so long as a State undergoes Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) auditing, ICAO coordinated validation mission (ICVM) or validation activities and has demonstrated that it has instituted a separate safety oversight entity, a well-defined safety oversight mechanism, a regulatory system for the certification of aerodromes, advisory circulars, aerodrome certification processes and procedures and, moreover, has already certified a percentage of aerodromes, it should be possible for its status to be satisfactory under protocol questions on the certification of aerodromes.

Action: The Assembly is invited to:

- a) assess the information presented in this working paper;
- b) assess States' efforts to comply with Standards and Recommended Practices (SARPs);
- c) request the establishment of a minimum percentage of certified aerodromes required for satisfactory status in protocols on the certification of aerodromes; and
- d) recommend any further action that it considers relevant.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	Not applicable
<i>References:</i>	Doc 7300, <i>Chicago Convention</i> Annex 14 Doc 9981, <i>Procedures for Air Navigation Services (PANS) - Aerodromes</i> Doc 9774, <i>Manual on Certification of Aerodromes</i> Doc 9734, <i>Safety Oversight Manual</i> Doc 9735, <i>Universal Safety Oversight Audit Programme Continuous Monitoring Manual</i>

¹ Spanish version provided by the Dominican Republic.

1. INTRODUCTION

1.1 Article 28 of the Convention provides that “Each contracting State undertakes, so far as it may find practicable, to: a) Provide, in its territory, airport, radio services, meteorological services and other air navigation facilities to facilitate international air navigation, in accordance with the standards and practices recommended or established from time to time, pursuant to this Convention;”.

1.2 Furthermore, Article 37 provides that “Each contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation”.

1.3 Each Contracting State is required to discharge its responsibilities, functions and obligations under the Convention and the Annexes thereto by establishing and managing an efficient and sustainable safety oversight system through the implementation of the eight critical elements for that system.

1.4 Recognizing the difficulties encountered by States in ensuring that their safety oversight responsibilities are discharged satisfactorily, and given the need to maintain uniformity in safety levels among all contracting States, ICAO has established the Universal Safety Oversight Audit Programme (USOAP) in order to assess States’ capacity to maintain an efficient safety oversight system.

2. ANALYSIS

2.1 Volume 1 of Annex 14 to the Convention on International Civil Aviation, entitled *Aerodrome Design and Operations*, provides that States shall certify aerodromes used for international operations in accordance with the specifications contained therein as well as other relevant ICAO specifications through an appropriate regulatory framework.

2.2 It is understood that the purpose of the specifications on aerodrome certification is to ensure the establishment of a regulatory regime so that compliance with the specifications contained in the Annex can be effectively enforced. When an aerodrome is granted a certificate, it signifies to aircraft operators and other organizations operating on the aerodrome that, at the time of certification, the aerodrome meets the specifications regarding the facility and its operation, and that it has, according to the certifying authority, the capability to maintain the specifications for the period of validity of the certificate. The certification process also establishes the baseline for continued monitoring of compliance with the specifications.

2.3 The *Manual on Certification of Aerodromes* (Doc 9774) acknowledges that the most effective and transparent means of meeting the stated requirements and obligations is to:

- (a) *establish a separate safety oversight entity and a well-defined safety oversight mechanism, supported by appropriate legislation, to carry out the functions of certification and safety regulation of aerodromes;*
- (b) *implement an aerodrome certification procedure whereby a State certifies an aerodrome through the approval/acceptance of the aerodrome manual submitted by the aerodrome operator.*

2.4 It is understood that States which have complied with subparagraphs (a) and (b) above have demonstrated their capability to monitor the discharge of their aviation safety oversight obligations in relation to their responsibilities as signatories to the Convention.

3. DISCUSSION

3.1 The *Universal Safety Oversight Audit Programme Continuous Monitoring Manual* (Doc 9735, 3rd ed.) provides in paragraph 3.5.3 that: “*The objective of a CSA Audit is to determine a State’s capability for safety oversight by assessing the effective implementation of the eight CEs of the safety oversight system and the status of the State’s implementation of all safety-related ICAO SARPs, associated procedures, guidance material and best safety practices. CSA Audits are tailored to the complexity of the State’s civil aviation system.*”

3.2 It is therefore unfair that a State’s status be rated unsatisfactory for all protocol questions on the certification of aerodromes, pending certification of all aerodromes, even though it has undergone a USOAP CMA audit, safety audits, ICVM or *ex situ* validation activities and has demonstrated that it has instituted a separate safety oversight entity, a well-defined safety oversight mechanism, a regulatory system for aerodrome certification, advisory circulars, aerodrome certification processes and procedures and, moreover, has already certified a considerable percentage of aerodromes.

3.3 This is so because during any of those activities, the auditor would be able to review one or more certification processes, which would have revealed whether the regulations and processes had been implemented correctly, and because those aerodromes complied with the Organization’s standards and recommended practices, even though some aerodromes were yet to be certified.

3.4 As currently implemented, the auditing process penalizes the State, by imputing to it an aerodrome operator’s self-reported non-compliance when the international community is notified that it does not deserve certification, even though the State had demonstrated during the evaluation process its capacity to comply with and enforce SARPs effectively.

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