INTERNATIONAL CIVIL AVIATION ORGANIZATION

ASSEMBLY – 35TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 16: **Improvement of safety oversight**
Agenda Item 16.2: **Transition to a systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP)**

THE COMPREHENSIVE SYSTEMS APPROACH FOR AUDITS IN THE ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME

(Presented by the United States)

SUMMARY
This paper supports the comprehensive systems approach for audits in the ICAO Universal Safety Oversight Program (USOAP) so long as certain aspects of the original program are maintained or enhanced.

REFERENCES
Annex 1 — *Personnel Licensing*   Annex 13 — *Aircraft Accident and Incident Investigation*

REFERENCES

Annex 1 — *Personnel Licensing*
Annex 2 — *Rules of the Air*
Annex 4 — *Aeronautical Charts*
Annex 6 — *Operation of Aircraft*
Annex 8 — *Airworthiness of Aircraft*
Annex 10 — *Aeronautical Telecommunications*
Annex 11—*Air Traffic Services*

Annex 13 — *Aircraft Accident and Incident Investigation*
Annex 14 — *Aerodromes*
Annex 15 — *Aeronautical Information Services*
Doc 7300 — *Convention on International Civil Aviation*
Doc 9790 — *Assembly Resolutions in Force (as of 5 October 2001)*

1.   **INTRODUCTION**

1.1   In November of 1997, the ICAO Directors General of Civil Aviation Conference recommended that *"the ICAO safety oversight program should be expanded to other technical fields at the appropriate time, initially to include air traffic services, aerodromes and support facilities and services…."*. The Conference further recommended that the criteria to be used to determine when the program should be expanded should take into account *"…the progress of the current program and the financial implications of expansion…."*.

1.2   The original program covered Annexes 1, 6 and 8, and the Secretariat completed the first round of audits in time to report to the 33rd Assembly in 2001. It is generally agreed that the program has been well organized and has resulted in considerable improvements in State compliance with ICAO safety oversight obligations.

1.3   The 33rd Assembly recommended (A33-8) an expansion of the program to cover Annexes 11 and 14, and to include an audit of specified sections of Annex 13. Subsequently, the Council agreed that Annex 13 would be subject to the audit in its entirety. The Assembly also agreed that the actual audits on these additional Annexes would commence in 2004, the third year of the triennium.

1.4   However, the Council postponed implementation of Annex 11, 13 and 14 audits so that the 35th Assembly can consider a comprehensive expansion of the program to include all safety related Annexes. The Secretariat paper (A35-WP/7) provides a description of the proposed "comprehensive systems approach" for USOAP audits.

2.   **DISCUSSION**

2.1   The United States strongly supports the Secretariat's concept for implementation of a comprehensive systems approach as outlined in A35-WP/7, *"Transition to a Comprehensive Systems Approach for Audits in the ICAO USOAP"*. While we agree that inclusion of all safety related Annexes is appropriate, it is essential to maintain a high quality audit program while doing a complete review of all relevant standards, recommended practices, organizational processes, procedures and programs.

2.2   We endorse the proposal to to restructure safety oversight audit categories to align with the critical elements in the ICAO Safety Oversight Manual (Doc 9734). This will enhance the quality, clarity, and usefulness of ICAO audit findings.

2.3   We also support the Secretariat's approach on increased transparency and disclosure of information in A-35-WP/63, *"Unified Strategy to Resolve Safety-Related Differences"*. As noted by the Secretariat, lack of compliance with Annexes 1, 6, and 8 by a State can directly impact the safety of other States' aviation systems. As the scope of the audit program is expanded to address compliance with the other safety related annexes, other issues will arise with respect to new or continued operations into States whose systems may be found to be non-compliant with safety-related provisions in Annex 11 (Air Traffic Services) or in Annex 14 (Aerodromes). Hence, the sharing of information between ICAO and States and among States themselves will assist States to make better informed safety analyses and take necessary measures to ensure safety both within their airspace and for their operators in other States' airspace.

2.4   Accordingly, we believe that these additional points should be included in the proposed Assembly resolutions on this subject:

a.) *Provision of Final Audit Reports*. The underlying principles of the current program, particularly those related to disclosure and transparency must be preserved and strengthened. A35-WP/63 states, *"Transparency is a key element to enable flight safety to be maintained worldwide. Information related to safety deficiencies and subsequent additional conditions imposed on operators should be made available to all Contracting States…"* We agree with this statement and recommend that Contracting States should receive the full final report in lieu of a summary report. This action would reduce the audit team workload since they would not have to write summary reports and it would also help to ensure that all audited States are getting equal treatment. Transparency provides Contracting States with additional information to make better-informed judgments with respect to compliance with safety related Annexes both in respect to foreign carriers operating in their airspace and in respect to their own carriers operating internationally. Furthermore, recent events have encouraged safety authorities to be more transparent in their safety conclusions.

b) *Disclosure of Information*. All aspects of the audit process must be visible and available in the audit report provided to States, including disposition of appeals by audited States with respect to the findings of the ICAO audit teams.

c) *Maintain adequate coverage of Annexes 1, 6 and 8.* We also agree with the Secretariat's statements that audits and audit follow-ups relating to Annexes 1, 6, and 8 must continue to be the core of USOAP. (Ref: A35-WP/7, para 2.1.1)   Further, the new audits must continue to adequately cover key provisions in Annexes 1, 6, and 8, and related guidance material. Audit reports must permit easy identification of a Contracting State's non-compliance with these specific provisions in each of the eight audit categories.

d.) *Short audit cycles.* The audit frequency cycle, including follow-up activities, should be as short as possible. This is especially critical to States in order to make effective use of audit information to improve compliance or to exercise their safety oversight responsibilities under Articles 12 & 37 of the Chicago Convention. We support the Secretariat's efforts to prioritize its activities so its actions and those of States are directed at resolving identified safety concerns. (Ref: A35-WP/7)

e) *Validation.* The audit team must validate a Contracting State's statement that it has implemented an ICAO standard or that corrective actions have been accomplished. It is essential that all States be evaluated using the same criteria and this can only be done by the audit team ensuring a State's actions fulfull its obligations under the Convention. Validating these implementation measures is critical to ensuring that the audit is of the high quality needed to be the basis for other States' to determine compliance with ICAO standards.

f) *Use of Audit Reports*. The usefulness of USOAP audits can only be achieved when the auditing process is fully transparent, audit results are current, corrective measures are validated, and audit reports provide sufficent information for Contracting States to make informed judgements as to the safety oversight capability of other States.

2.5   We believe that USOAP is one of the most important activities undertaken by ICAO and that it should be developed to fully meet the needs of the Contracting States, the aviation industry, and the traveling public. We believe those needs include the points outlined above.

3.   CONCLUSION

3.1   The United States fully supports the introduction of a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Program. We believe that the comprehensive systems approach should ensure that the program meets the needs of Contracting States including those noted in para 2.4 above.

4.   ACTION BY THE ASSEMBLY

4.1   This Assembly is invited to:

   a)   *Endorse* the concept of a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Program (USOAP) contained in A35-WP/7

   b)   *Support* the concept of a "Unified Strategy to Resolve Safety-related Deficiencies contained in A35-WP/63

c)   *Approve* the amendment to the draft Assembly resolution presented in A35-7, as proposed in Appendix A to this paper, and

d)   *Approve* the amendment to the draft Assembly resolution presented in A35-WP/63, as proposed in Appendix B to this paper.

APPENDIX A

DRAFT RESOLUTION A35-X (to supersede Resolution A33-8)

TRANSITION TO A COMPREHENSIVE SYSTEMS APPROACH FOR AUDITS IN THE ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)

Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas promoting the implementation of international standards contributes to this objective;

Whereas Article 37 of the Convention requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Recalling that the 32nd ordinary session of the Assembly resolved that a universal safety oversight audit programme be established, comprising regular, mandatory, systematic and harmonized safety oversight audits to be carried out by ICAO;

Whereas the ICAO Universal Safety Oversight Audit Programme (USOAP) has been successful in meeting the mandate given by Resolution A32-11;

Recalling the objectives of the ICAO Universal Safety Oversight Audit Programme, which seeks to ensure that Contracting States are adequately discharging their responsibility for safety oversight;

Recalling that ultimate responsibility for safety oversight rests with Contracting States, who shall continuously review their respective safety oversight capabilities;

Recalling that Assembly Resolution 32-11 requested the Council to present proposals for the funding of the programme on a long-term basis;

Recalling that Assembly Resolution 33-8 instructed the Secretary General to undertake a study regarding the expansion of the Programme to other safety-related fields;

Recalling that Assembly Resolution 33-8 requested the Council to ensure the long-term financial sustainability of the USOAP, phasing in all of its activities into the Regular Programme budget, in due course;

Recognizing that the implementation of the USOAP has been instrumental in the identification of safety concerns and in providing recommendations for their resolution;

Recognizing that the effective implementation of State action plans is essential to enhance the overall safety of global air navigation;

Recognizing that the continuation and expansion of the USOAP to cover all safety-related Annex provisions is essential to promote the adequate implementation of safety-related Standards and Recommended Practices;

Recognizing that the Secretary General has taken appropriate steps to ensure the establishment of an independent quality assurance mechanism to monitor and assess Programme quality.

The Assembly:

1. *Expresses* its appreciation to the Secretary General on the successful implementation of the ICAO Universal Safety Oversight Audit Programme;

2. *Resolves* that the ICAO Universal Safety Oversight Audit Programme be further expanded to include the safety-related provisions contained in all safety-related Annexes to *the Convention on International Civil Aviation* as of 2005;

3. *Requests* the Secretary General, from 1 January 2005, to restructure the ICAO Universal Safety Oversight Audit Programme to adopt a comprehensive systems approach in conducting safety oversight audits in all Contracting States;

4. *Directs* the Secretary General to maintain adequate coverage of the key provisions in Annexes 1, 6, and 8; minimize the time intervals between audits, resources permitting; make all aspects of the auditing process visible to Contracting States; and validate the accuracy of statements made by Contracting States.

4.5. *Requests* the Secretary General to restructure the safety oversight audit reports to reflect the critical elements of a safety oversight system, as presented in ICAO Doc 9734 — *Safety Oversight Manual, Part A - The Establishment and Management of a State's Safety Oversight System*;

5. 6. *Requests* the Secretary General to adopt a more flexible approach in the implementation of the Programme on a long-term basis;

7. *Directs* the Secretary General to provide access to the Audit Findings and Differences Data Base, including reports on the status of implementation of State's corrective action plans, through the use of the ICAO secure website;

6. 8. *Requests* the Secretary General to continuously ensure the maintenance of the quality assurance mechanism established to monitor and assess Programme quality, and transparency of all aspects of the audit process;

7. 9. *Calls* on all Contracting States able to do so to assign qualified and experienced technical staff to ICAO on a long-term secondment basis with a view to enabling the Organization to continue to successfully implement the Programme;

8. 10. *Urges* all Contracting States to submit to ICAO, in a timely manner, and keep up-to-date, all the information and documentation associated with the preparation and conduct of an audit, to ensure the effective and efficient implementation of the Programme;

9. 11. *Urges* all Contracting States to cooperate with ICAO and as much as practicable to accept audit missions as scheduled by the Organization in order to facilitate the smooth functioning of the Programme;

10. 12. *Urges* all Contracting States to accept the primacy of USOAP audit results as meeting the established international Standards, Recommended Practices and Procedures, when such results are current and aspects of the audit process are transparent and available, if consideration of when considering the need for additional or supplementary safety oversight audits by of other States is necessary;

11. 13. *Declares* that Resolution A33-8: *Continuation and expansion of the ICAO Universal Safety Oversight Audit Programme* has been superseded by this Resolution;

12. 14. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme.

— END —

APPENDIX B

**A35-X DRAFT RESOLUTION
UNIFED STRATEGY TO RESOLVE SAFETY-RELATED
DEFICIENCIES**

Whereas a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

Whereas in accordance with Article 37 of the Convention on International Civil Aviation each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

Whereas the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

Whereas the ICAO Technical Cooperation Bureau (TCB) can provide the required assistance to States in need;

Whereas the International Financial Facility for Aviation Safety (IFFAS) has been established to assist Contracting States in financing safety-related projects to correct deficiencies primarily identified through USOAP and for which they cannot otherwise provide or obtain necessary financial resources;

Recognizing that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by a unified strategy involving all Contracting States, ICAO and other concerned parties in civil aviation operations;

Recognizing that transparency and sharing of safety information is one of the fundamental tenets of a safe transportation system;

The Assembly:

　　1. *Urges* all Contracting States to share with other Contracting States critical safety information which may have an impact on the safety of international air navigation and to facilitate their access to all relevant safety information;

　　2. *Directs* the Secretary General to make the full final reports of the ICAO auditing teams available to the other Contracting States on the ICAO secure website;

　　2. 3. *Encourages* Contracting States to make full use of available safety information when performing their safety oversight functions, including during inspections as provided for in Article 16 of the Convention;

　　3. 4. *Directs* the Council to further develop practical means to facilitate the sharing of such safety information among Contracting States;

　　4. 5. *Reminds* States of the need to exercise vigilance of foreign operations within their territory and to take appropriate action when necessary to preserve safety;

　　5. 6. *Urges* Contracting States to further develop regional and sub-regional cooperation and, whenever feasible, partnership initiatives with other States, industry, air navigation service providers and financial institutions to strengthen safety oversight capabilities in order to foster a safer international civil aviation system and to better discharge their individual responsibilities;

　　6. 7. *Encourages* States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build their individual safety oversight capability;

　　7. 8. *Invites* States to use the services of the ICAO technical Cooperation Bureau (TCB) to resolve deficiencies identified by the USOAP;

　　8. 9. *Invites* Contracting States experiencing difficulties in financing measures necessary to correct safety-related deficiencies identified through USOAP to take advantage of the funding opportunity offered by the International Financial Facility for Aviation Safety (IFFAS).

　　9. 10. *Requests* the Council to implement a unified strategy based on the principles of increased transparency, cooperation and assistance and to foster, where appropriate, partnership among States, users, air navigation service providers, industry, financial institutions and other stake holders to analyze causes, establish and implement sustainable solutions in order to assist States in resolving safety-related deficiencies;

　　10. 11. *Requests* the Council to implement an efficient system to monitor implementation of the unified strategy, with active involvement of the regional offices.

~~Associated Practice~~

　　~~1.   The Council should develop ways in which information from the Audit Findings and Differences Database (AFDD) could be made available to all Contracting States through the use of the ICAO secure website.~~

– END –