



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/312
EX/114
4/10/04

ASSEMBLY — 35TH SESSION

EXECUTIVE COMMITTEE

**DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 16, 16.1 and 16.2**

The attached material on Agenda Items 16, 16.1 and 16.2 is submitted for consideration by the Executive Committee.

Agenda Item 16: Improvement of safety oversight
Unified strategy to resolve identified safety-related deficiencies

16:1 At its fourth meeting the Executive Committee considered A35-WP/63 on the unified strategy to resolve safety-related deficiencies, together with papers presented by Australia (A35-WP/98); Bahrain (A35-WP/86); Australia, Fiji, Kiribati, Papua New Guinea, Solomon Islands and Samoa (A35-WP/242); United States and Canada (A35-WP/227); the Central American States (A35-WP/246); the European Civil Aviation Conference (ECAC) (A35-WP/147 and 205); the International Air Transport Association (IATA) (A35-WP/73); and by the twenty-one member States of the Latin American Civil Aviation Conference (LACAC) (A35-WP/183 and 185).

16:2 The Executive Committee expressed its appreciation for the work of the Council, Air Navigation Commission and Secretariat in developing the means to strengthen worldwide safety oversight and and unanimously endorsed the concept of a unified strategy, as expressed in A35-WP/63.

16:3 The Committee recognised the challenges faced in the implementation of safety oversight systems by States, as contained in A35-WP/86, and acknowledged the usefulness of possible solutions presented in the paper.

16:4 The Committee also noted the need for a more flexible approach to the set up of regionally based organizations and the provision of appropriate assistance to foster the creation of sub-regional organizations responsible for safety oversight tasks contained in A35-WP/242. The Committee recognized the value of this approach and the considerable progress already made by the Pacific Aviation Safety Office (PASO), and noted the full support of the PASO States to the proposals contained in A35-WP/63 and its attached resolution.

16:5 The Committee supported the concept of regional safety oversight organizations as contained in A35-WP/227 and noted the need to encourage States to participate in, or provide tangible support for these organizations. It was further noted that the creation and use of new guidance material could facilitate the emergence of regional safety organizations.

16:6 The Committee discussed the difficulties encountered by some Contracting States in implementing the corrective measures emanating from their action plans contained in A35-WP/246. The Committee recognized the benefits of regional organizations such as the American Agency for Aeronautical Safety (ACSA) in providing a regional strategy to resolve these difficulties.

16:7 The Committee noted the achievements of Eurocontrol in the establishment of the Eurocontrol Safety Regulatory Requirements (ESARRs) and the ESARR Implementation Monitoring and Support (ESIMS) Programme to ensure uniform implementation across the ECAC area presented in A35-WP/147. Support for the coordination between ICAO USOAP and ESIMS was viewed as a means of optimising the effectiveness of international safety oversight activities in ATM. The Committee endorsed these concepts and noted the need for further measures to assist States in developing ATM safety oversight capabilities and procedures.

16:8 The Committee noted the views of the forty-one ECAC member States expressed in A35-WP/205 on the proposed unified strategy to assist Contracting States experiencing difficulties in

correcting safety-related deficiencies. It specifically discussed the proposal for increased transparency and disclosure of audit results and greater analysis and disclosure of information contained in the ICAO Audit Finding and Differences Database (AFDD). The Committee also noted the request that the Council and the Secretary General establish a procedure to inform, all Contracting States of any significant shortcomings related to compliance with the Convention, in accordance with Article 54 (j), and the safety-related Standards and Recommended Practices in its Annexes. The Committee noted the comments of the Chairman that, taking Article 38 of the Chicago Convention into account, the mere fact that a State has not complied with Standards would not be an infraction of the Convention; however, under the second part of Article 54 (j), it was a mandatory function of the Council to report to Contracting States any failure to carry out recommendations or determinations of the Council.

16:9 The Committee recognized the value of the IATA Operational Safety Audit Programme (IOSA) as a complementary measure to the regulatory oversight activities of States. The IOSA programme, as outlined in A35-WP/73, is based on ICAO Standards and is intended to improve operational safety and reduce the number of inter-airline audits, and will need the continued support of regulatory authorities world wide, as well as ICAO, to truly succeed.

16:10 The Committee noted aspects of ATM safety management related to implementation of ATS safety programmes by States in the airspace and aerodromes within their area of responsibility presented in A35-WP/183. The success of the CAR/SAM Regional Guidance Material in implementing ATS Quality Management Programme in Latin American States was noted by the Committee, and as a result, support was evidenced for the implementation by ICAO of a suitable system programme to ensure safety in the provision of ATS.

16:11 The Committee noted the accomplishments of the Latin American Civil Aviation Commission (LACAC) member States in relation to international air transportation safety as elaborated in A35-WP/185. Given the success of the work being carried out by existing regional safety oversight organizations, the possibility should be considered of reformulating and reorienting the objectives and goals of ICAO with respect to relying on regional organizations or systems to carry out safety oversight.

16:12 The Executive Committee expressed its appreciation for the work of the Council and the Secretariat in the elaboration of WP/63. The Committee noted that, for the first time, all States have indicated they would like open information (transparency) to improve safety and to achieve compliance with SARPs.

16:13 Noting the above, the Executive Committee:

- a) strongly supported the unified strategy presented in A35-WP/63;
- b) accepted the regional and sub-regional concept and organizations such as ACSA and supported the draft resolution and a financial mechanism such as IFFAS;
- c) recognized ICAO's re-orientation efforts with the development of new guidance material on the establishment of regional safety oversight organizations (ICAO Doc 9734, Part B, which will be available by the end of 2005;
- d) recognized that the COSCAP Programme has been fruitful and is to be continued; and

- e) recognized the importance of cooperation among States and specifically the support which can be made available to States by those who are able to provide such assistance.

16:14 The Executive Committee agreed to recommend that the Assembly adopt the following Resolution amended as indicated above.

**RESOLUTION FRAMED BY THE EXECUTIVE COMMITTEE
AND RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 16/1

Unified 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 establishment of regional and sub-regional safety oversight organizations has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and promotion of uniformity on a larger scale;

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 the safety enhancement contributions resulting from audits conducted by international and regional organizations such as the IATA Operational Safety Audit (IOSA) Programme and Eurocontrol ESARR Implementation Monitoring and Support (ESIMS) Programme;

Recognizing that transparency and sharing of safety information is one of the fundamental tenets of a safe air 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. *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. *Directs* the Council to further develop practical means to facilitate the sharing of such safety information among Contracting States;

4. *Reminds* Contracting States of the need for surveillance of all aircraft operations, including foreign aircraft within their territory and to take appropriate action when necessary to preserve safety;

5. *Directs* the Council to develop a procedure to inform all Contracting States, within the scope of Article 54 j) of the Chicago Convention, in the case of a State having significant compliance shortcomings with respect to ICAO safety-related SARPs.;

6. *Directs* the Council to promote the concept of regional or sub-regional safety oversight organizations;

7. *Requests* the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety, and specifically with IATA and Eurocontrol;

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

9. *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;

10. *Encourages* all States able to do so to participate in, or provide tangible support for, the strengthening and furtherance of regional safety oversight organizations;

11. *Invites* Contracting States to use the services of the ICAO Technical Cooperation Bureau (TCB) to resolve deficiencies identified by the USOAP;

12. *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);

13. *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 analyse causes, establish and implement sustainable solutions in order to assist States in resolving safety-related deficiencies;

14. *Directs* the Council to adopt a flexible approach for the provision of assistance through Regional Offices to support regional and sub-regional organizations responsible for safety oversight and to implement an efficient system to monitor implementation of the unified strategy.

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.

Agenda Item 16: Improvement of safety oversight
16.1: Report on the ICAO Universal Safety Oversight Audit Programme

16.1:1 The Plenary had referred to the Executive Committee the consideration of Agenda Item 16.1: Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP).

16.1:2 The Executive Committee considered A35-WP/67 and Addendum No. 1, containing the Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP), together with papers presented by the International Federation of Air Traffic Controllers' Associations (IFATCA) (A35-WP/143), the Islamic Republic of Iran (A35-WP/236), the East African Community Partner States (A35-WP/120) and the Interstate Aviation Committee (IAC) (A35-WP/124).

16.1:3 The Executive Committee expressed its appreciation and congratulated the Secretary General for the results achieved by USOAP during the present triennium, as detailed in A35-WP/67.

16.1:4 The Executive Committee further expressed satisfaction with the overall improvement in the implementation of Standards and Recommended Practices (SARPs) contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft* and Annex 8 — *Airworthiness of Aircraft*, which were audited under USOAP during the first cycle of audits.

16.1:5 However, the Executive Committee also recognized with concern that a number of States were facing difficulties in the implementation of their corrective action plans and the resolution of safety concerns identified by the audit and audit follow-up missions.

16.1:6 The Executive Committee noted that issues relating to the continuation and expansion of the Programme and the provision of assistance to States would be addressed in Agenda Items 16.2 and 16, respectively.

16.1:7 The Executive Committee concluded that:

- a) the mandate given to ICAO by the 33rd Assembly was successfully met;
- b) safety is a very important priority in the work of the Organization; and
- c) ICAO should continue its auditing and diagnostic activities to enhance safety, and assist States in the resolution of safety concerns.

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

16.2:1 The Plenary had referred to the Executive Committee the consideration of Agenda Item 16.2: Transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP).

16.2:2 The Executive Committee considered A33-WP/7 on the transition to a comprehensive systems approach for audits in the ICAO Universal Safety Oversight Audit Programme (USOAP), together with papers presented by Australia (A35-WP/232), the Russian Federation (A35-WP/113), the United States and Canada (A35-WP/106 and Corrigendum No.1), the Airports Council International (ACI) (A35-WP/152) and the Republic of Korea (A35-WP/169).

16.2:3 The Executive Committee expressed its appreciation for the work of the Secretariat in implementing USOAP, and unanimously supported the transition to a comprehensive systems approach for the conduct of safety oversight audits as of January 2005, as presented in A35-WP/7.

16.2:4 The Committee noted the recommendation contained in A35-WP/232, which supported the use of a systems-based approach and recognized the need for adopting a flexible system to provide States with a more comprehensive and accurate picture of the States' effectiveness in meeting their safety oversight obligations.

16.2:5 In relation to A35-WP/113, the Committee noted that conceptual work on safety performance and establishment of associated target levels was still in progress within ICAO, and invited States and regions to avail themselves of existing provisions and guidance material in the development of national and regional safety performance targets.

16.2:6 In noting the proposals presented in A35-WP/106, the Committee reiterated that, as USOAP transits to a comprehensive systems approach, continued emphasis should be placed on the core audit areas. The Committee also agreed to include the clauses proposed by the United States and Canada for inclusion in the Assembly Resolution concerning transition to a comprehensive systems approach for USOAP audits.

16.2:7 The Committee noted the proposals contained in A35-WP/152 regarding coordination with ACI and advised that other proposals contained therein regarding the reporting of incidents and accidents occurring at the airports would be better addressed under Agenda Item 24. It further noted that work in relation to aerodrome reference codes would continue to be studied by the Air Navigation Commission.

16.2:8 The Committee noted the progress made by the Republic of Korea in the safety oversight field as a result of the ICAO audit, as contained in A35-WP/169.

16.2:9 With regard to the secondment of States' experts to USOAP, the Committee recommended that ICAO should also forward a request for short-term seconded auditors as it did for long-term secondment.

16.2:10 The Executive Committee recognized the value of seminar/workshops and guidance material as important tools to help States in the effective implementation of SARPs and the critical elements of a safety oversight system, and in the resolution of safety concerns. It further suggested that emphasis should be placed on the development of mechanisms to assist States with training of technical personnel and the establishment of regional safety oversight organizations.

16.2:11 In view of the deliberations and the unanimous support of Contracting States for the transition to a comprehensive systems approach for the conduct of safety oversight audits, and in order to consolidate the views expressed on the evolution of the Programme, the Executive Committee decided to propose to the Plenary a draft Assembly Resolution to supersede Assembly Resolution A33-8.

**RESOLUTION FRAMED BY THE EXECUTIVE COMMITTEE
AND RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 16.2/1 (to supersede Assembly 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 ensure that the comprehensive systems approach maintains as core elements the safety provisions contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 8 — *Airworthiness of Aircraft*, Annex 11 — *Air Traffic Services*, Annex 13 — *Aircraft Accident and Incident Investigation* and Annex 14 — *Aerodromes*; to minimize the time intervals between audits, resources permitting; to make all aspects of the auditing process visible to Contracting States; and to validate the accuracy of statements made by Contracting States;
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*;
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 make the final safety oversight audit reports available to all Contracting States and also to provide access to relevant information derived from the Audit Findings and Differences Database (AFDD) through the secure website of ICAO;

Note.— The audit final report contains the audit findings, recommendations, State’s action plan and comments, as well as the comments of the Safety Oversight Audit Section on the State’s action plan.

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;

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

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;

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;

12. *Urges* all Contracting States to accept the primacy of USOAP audit results as meeting the established international Standards, Recommended Practices and Procedures, when considering the need for additional or supplementary safety oversight audits by States;

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

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

— END —