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WORKING PAPER

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Twenty-sixth Directors of Civil Aviation of the Eastern Caribbean Meeting (E/CAR/DCA/26)  
New Orleans, United States, 1 - 3 December 2015

**Agenda Item 5: Aviation Safety Matters**  
**5.3 Other Safety Matters**

**PROCESS DEVELOPMENT FOR RESOLUTION OF SAFETY ISSUES AMONGST AVIATION  
AUTHORITIES: PILOT DEVIATIONS**

(Presented by the United States)

**EXECUTIVE SUMMARY**

During the 2015 ICAO High Level Safety Conference (HLSC), the United States presented a paper on International Cooperation in the Resolution of Safety Issues HLSC/15-WP/27. ICAO's Universal Safety Oversight Audit Program (USOAP) and other audit mechanisms have disclosed widespread lack of effective resolution of safety issues, especially in the case of States ensuring air operator compliance with foreign operating rules. This working paper reiterates the need to address this safety risk and to support a proposal to gather global information on pilot deviations through ICAO.

<b>Action:</b>	See suggested actions in paragraph 3.
<i>Strategic Objectives:</i>	<ul style="list-style-type: none"><li>• Safety</li></ul>
<i>References:</i>	<ul style="list-style-type: none"><li>• International Cooperation in the Resolution of Safety Issues HLSC/15-WP/27</li></ul>

**1. Introduction**

1.1 The Convention on International Civil Aviation (the Chicago Convention) requires States to ensure that their air carriers and other persons operating aircraft abroad comply with the operating rules of the host State.

1.2 The Universal Safety Oversight Program (USOAP) has shown that resolution of safety issues (also often referred to as enforcement) is all too often not effectively implemented. In particular, States often do not adequately follow up on violations by their operators of other States' operating rules. The United States has seen this issue often in the case of resolving pilot deviations of foreign operators into U.S. airspace.

1.3 The U.S. Federal Aviation Administration (FAA) has begun a test program to share Enforcement Investigative Reports (e-EIR) electronically with select Civil Aviation Authorities. The "Portal for International Pilot Deviations (PIPD)" accommodates protection of "Personally Identifiable Information" and provides email notifications and feedback loops. The PIPD could serve as a template for enabling more efficient and effective coordination on operations issues on international flights between regulators.

1.4 ICAO promotion and facilitation of developing guidance and tools for coordination among authorities would facilitate Member States making more timely corrective actions while further strengthening Member States' implementation of the Critical Element 8 (CE-8 taken from the FAA's and USOAP Job Aid for State audit) of a safety oversight system - Resolution of Safety Concerns. More importantly, addressing this issue can reduce the risk of an unsafe operating situation becoming a safety accident or incident involving passengers and the public at large.

## 2. Discussion

2.1 The U.S. presented a paper on this topic, "*International Cooperation in the Resolution of Safety Issues HLSC/15-WP/27*," during the High Level Safety Conference (HLSC) in February 2015. This paper outlined the challenge States face in ensuring air operator compliance with foreign operating rules in a timely fashion. Regulators in enforcement cases involving foreign carriers often coordinate with partner CAAs using antiquated and circuitous delivery methods which are not conducive to resolving safety issues in a timely fashion.

2.2 A major contributing cause of ineffective enforcement is the cumbersome means by which the State of Operator is typically notified of the occurrence. The State of Occurrence, after observing an infraction, prepares an enforcement case, supplemented by appropriate evidence. Transmission of the case file to the State of the Operator is time-consuming, often with routing through diplomatic channels involving the two sides' foreign ministries. The process is cumbersome under the best of circumstances. It often results in a "stale case" that constrains the State of Operator's ultimate disposition. Having to use a diplomatic note for routine cases arguably creates a disincentive to share information on relatively minor violations and discrepancies.

2.3 The United States has had ongoing challenges in resolving the safety issues of pilot deviations of foreign carriers. These incidents are reported to the FAA, which then works with the U.S. Department of State to resolve safety concerns. This process has at times taken more than 365 days, which detracts from the value of the coordination. Faded memories, deleted records, and expired statutes of limitations interfere with meaningful regulatory oversight.

2.4 The United States has recently begun using the PIPD to streamline coordination between the FAA and partner CAAs. The FAA hopes that the PIPD could serve as a template for other interested Member States.

2.5 ICAO could support more timely resolution of safety issues. Addressing safety issues, and patterns of unsafe operating situations in an effective manner would strengthen States' Critical Element 8 (CE-8) safety oversight system (Resolution of Safety Concerns), helping address identified risks to the operating environment.

2.6 The United States therefore proposes to develop a survey through ICAO for contracting States, seeking information on pilot deviations, the process of notification and resolution of deviation safety concerns. The information can then be used to work collaboratively with contracting States to resolve any deficiencies.

**3. Actions by the group**

## 3.1 The Meeting is invited to:

- a) Recognize that timely resolution of safety issues involving international operations are a challenge for regulators as information exchange processes and protocols are too cumbersome and slow;
- b) Acknowledge that safety issues below the level of accidents and incidents are still important as they may identify a risk to the safety of the operating environment;
- c) Support, when needed, the FAA working with partner CAAs on a “Portal for International Pilot Deviations” program to increase efficiency of addressing pilot deviations; and,
- d) Support the FAA’s approach to gather global information on pilot deviations through ICAO.

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