



ASSEMBLY — 36TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 13: Progress report on the implementation of the ICAO Universal Safety Oversight Audit Programme (USOAP) under the comprehensive systems approach

ENHANCEMENT OF THE ICAO UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)

(Presented by Portugal, on behalf of the European Community and its Member States¹, by the other States Members of the European Civil Aviation Conference², and by Eurocontrol)

EXECUTIVE SUMMARY

The ICAO Universal Safety Oversight Audit Programme (USOAP) represents an indisputable achievement for air transport. However its impact can be further improved by reviewing certain elements of the USOAP methodology. This paper reviews the actions of the ICAO Air Navigation Commission in following up the conclusions of the DGCA Safety Strategy Conference held in Montreal in March 2006, and offers suggestions for future work, based on a draft Resolution for adoption by the Assembly.

Action: The Assembly is invited to:

- a) take note of the contents of this paper; and
- b) consider the suggestions below for input into an Assembly Resolution:
The Assembly directs the Council and the Secretary General respectively to address as a matter of urgency the adaptations to the ICAO USOAP recommended by the DGCA/06 Safety Conference, and to consider how the USOAP working methods can be further improved.
In addressing this task, the Council and the Secretary General are required to:
 - a) ensure that the deadline of 23 March 2008 for publication of audit information is fully respected by promoting further the principle of transparency in the Contracting States which have not yet agreed to release their USOAP audit reports;
 - b) revise the USOAP methodology to concentrate the audits on safety-critical elements and to give priority in the audit planning to Contracting States which are facing specific difficulties, before the start of the next audit cycle;
 - c) conduct, on the basis of an objective and transparent methodology, analysis of the adverse effects of USOAP findings on the Contracting State's safety oversight capability and communicate the result of this analysis to Contracting States through a secured website; and
 - d) comply strictly with their obligations under Article 54(j) and (k) of the Chicago Convention and modify the mechanism established to respond to immediate safety hazards identified during USOAP audits in order to allow Contracting States to take action in an adequate and timely manner.

¹ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom. All these 27 States are also Members of the ECAC.

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Iceland, Moldova, Monaco, Norway, Serbia, Switzerland, The former Yugoslav Republic of Macedonia, Turkey and Ukraine.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A — <i>Enhance global civil aviation safety.</i>
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	

1. INTRODUCTION

1.1 The ICAO Universal Safety Oversight Audit Programme (USOAP) is an essential tool to evaluate the safety oversight capability of Contracting States, which is one of the basic tenets of aviation safety. It allows ICAO to identify areas of concern in many Contracting States. USOAP has already demonstrated its positive effect on the level of regulatory safety oversight by States.

1.2 However, the financial and human resources available to implement USOAP activities are limited. Compared to the previous audit cycle these constraints are amplified by the extension of the scope of USOAP to all safety-related Annexes to the Chicago Convention under the Comprehensive Systems Approach. The management of the current audit cycle is extremely challenging both for ICAO as for the Contracting States. In its current format, the completion of this cycle could actually take more than six years. There is therefore a need to ensure that USOAP activities are effectively focussed on priority issues and that their impact is further improved.

1.3 In this context, Europe presented to the DGCA Safety Conference in March 2006 proposals to improve USOAP working methods. This paper explores some of these issues further, comments on ICAO's efforts to date in addressing the conclusions and recommendations of the Safety Conference, and presents for consideration a draft Assembly Resolution.

2. CONSIDERATION

2.1 Proposals presented by Europe during the DGCA Safety Conference in March 2006 were intended to improve the USOAP methodology in order to increase the impact of the audits on the level of regulatory safety oversight by States. The four main issues raised by Europe can be summarised as follows:

2.2 Public access to Information: On the basis of USOAP reports, objective and reliable information on the general safety level in Contracting States should also be provided to the public in an easily understandable way in order to maintain passengers' confidence. Therefore an appropriate ICAO communication strategy is required.

2.3 Scope, frequency and prioritisation of audits: To maximise the impact of the audits on safety, the activities should be more focused on Standards and Recommended Practices (SARPs) which are identified as critical for aviation safety. In order to allow Contracting States to make effective use of audit information and improve their compliance with SARPs, and to allow ICAO to ensure effective and regular follow up of these improvements, the frequency of audits has to be as short as possible. Contracting States facing specific difficulties in providing information to ICAO regarding the status of

their safety oversight, in implementing SARPs and in submitting appropriate corrective action plans, need special attention and should be given priority in the audit planning.

2.4 Analysis of audit findings: USOAP findings have necessarily to be subject to an in-depth analysis in order to provide objective information on Contracting States' oversight capability. In particular the degree of compliance with the provisions of each ICAO SARP and the adverse effects of each finding on the Contracting State's safety oversight capability need to be assessed by the ICAO Secretariat General.

2.5 Reporting on safety oversight shortcomings and dealing with immediate safety concerns: When a Contracting State demonstrates severe and persistent safety oversight shortfalls and is clearly unwilling or unable to implement the necessary corrective actions, the ICAO Council shall report, in accordance with Article 54(j) and (k) of the Chicago Convention, to Contracting States, in order to allow the latter to take appropriate measures. When USOAP audits reveal potential significant safety concerns which may result in an immediate safety risk to international civil aviation, an appropriate mechanism is required to enable their rapid resolution by the Contracting State directly concerned, as well as to permit other Contracting States to react in an adequate and timely manner when necessary.

3. COMMENTARY ON ACTIONS BY ICAO SINCE DGCA/06

3.1 The Directors General of Civil Aviation Conference on a Global Strategy for Aviation Safety (DGCA/06) adopted several recommendations to the Council related to the implementation of the USOAP and the issues mentioned in section 3.

3.2 The Conference recommended the release of relevant information to the public on safety oversight audits conducted during the first audit cycle as well as under the comprehensive approach (Recommendation 2/1 b) 3 and 4 under Topic 2.1). On this basis, the Secretary General developed a new consent form for the release of information under the first audits cycle. Subsequently a specific process for the audits conducted under the comprehensive systems approach (C-WP/12703) as well as a new generic Memorandum of Understanding between Contracting States and ICAO regarding safety oversight audits were developed and approved by the Council during its 179th Session.

3.3 For the time being, less than half of the Contracting States have authorised the release of their audit information to the public under the initial cycle of audits. There is therefore a risk that a substantial number of Contracting States will not have authorised such release by the deadline of 23 March 2008.

3.4 Regarding USOAP findings analysis, the DGCA/06 Conference recommended to the Council to develop a system to assess USOAP findings against the oversight system critical elements with a view to evaluating the safety oversight capability of individual Contracting States (Recommendation 2/1 b) 5 under Topic 2.1). To implement this recommendation, the ICAO Secretariat General proposed to classify audit findings against the existing "eight critical elements of a safety oversight system" and to measure the status of implementation of each of the eight critical elements in the audited State on a scale of 1 to 10.

3.5 Europe fears that the existing system of classification of audit findings does not fully address the DGCA/06 recommendation. Under this system, there is no common analysis of the adverse effects of audit findings on safety. It is not possible to immediately evaluate the oversight capability of the

audited Contracting State. Therefore Contracting States could conduct this exercise individually on the basis of criteria which are not fully transparent and mutually accepted.

3.6 DGCA/06 Recommendation 2/5 a) 2) under Topic 2.5 called for ICAO to “develop an additional mechanism to enable rapid resolution of significant safety concerns identified under USOAP and amend the Generic Memorandum of Understanding (MOU) accordingly”. Such a mechanism and the amendment to the generic MoU as proposed by the Secretary General were approved by the ICAO Council during its 179th Session.

3.7 Europe fears that the mechanism established may not allow Contracting States to respond to all immediate safety hazards identified during USOAP audits, considering the restrictive definition of a “significant safety concern”, as well as the proposed timing.

4. **CONCLUSIONS**

4.1 In order to ensure that the deadline of 23 March 2008 for publication of audit information is fully respected, ICAO should further promote the principle of transparency in the Contracting States which have not yet agreed to release their audit reports by stressing that such a release would in particular enable other Contracting States and donors to provide more rapid and effective assistance to resolve the existing safety oversight deficiencies.

4.2 The methodology of USOAP audits should be modified to concentrate on safety-critical elements in order to make the audit process more manageable for the States concerned and help them to prioritize the implementation of the most important safety provisions.

4.3 Besides the process for releasing appropriate information to the public, ICAO should conduct a detailed analysis of the adverse effects on safety of USOAP audit findings. This information could be communicated to Contracting States through a secured website. This would require in particular the development of an appropriate methodology ensuring that there is no room for interpretation or subjectivity in determining how the oversight capability of the audited States is affected by the findings.

4.4 ICAO should comply strictly with its obligations under Article 54(j) and (k) of the Chicago Convention and report systematically shortcomings identified during USOAP activities. This implies that Contracting States unable or unwilling to implement an adequate corrective action plan are subject to such a procedure but also that immediate safety hazards are communicated to Contracting States without delay.

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