ASSEMBLY — 38TH SESSION

TECHNICAL COMMISSION

Agenda Item 27 and 29: Aviation Safety - Policy

A REGIONAL PERSPECTIVE TO SAFETY MANAGEMENT

(Presented by Lithuania on behalf of the European Union and its Member States[1] and the other
Member States of the European Civil Aviation Conference[2]; and by EUROCONTROL)

<table>
<tr><td colspan="2" align="center">EXECUTIVE SUMMARY</td></tr>
<tr><td colspan="2">The regional approach to safety oversight and management has already been acknowledged in the ICAO context as evidenced in the incorporation into ICAO's SARPs and associated activities of provisions that recognize this evolution.</td></tr>
<tr><td colspan="2">The European approach to safety management seeks to address the total aviation system, recognizing the reality that the components of that system – its products, organizations, operators, crews, aerodromes, ATM, ANS, on the ground or in the air – are part of a single networked whole. This 'total system approach' is one that aims to reduce the risk of safety gaps or overlaps and seeks to avoid conflicting requirements and confused responsibilities.</td></tr>
<tr><td colspan="2">Action: The Assembly is invited to reiterate and reinforce its call for the Council to ensure that the benefits afforded by regional cooperation and Regional Safety Oversight Organizations are adequately reflected in ICAO's rulemaking and safety monitoring activities, in particular in the Continuous Monitoring Approach and the (new) Annex 19 on Safety Management.</td></tr>
<tr><td>Strategic Objectives:</td><td>This working paper relates to the Safety Strategic Objective.</td></tr>
<tr><td>Financial implications:</td><td>None</td></tr>
<tr><td>References:</td><td>Doc 9734, Safety Oversight Manual, Part B
Annex 19, Section 3.2
2010 High Level Safety Conference Recommendation 3/3 a)
ICAO Assembly Resolutions A37-5, A37-8 and A37-21</td></tr>
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[1] Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxemburg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

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

(5 pages)

1.   **INTRODUCTION**

1.1   The regional approach to safety oversight and management has been acknowledged in the ICAO context, notably in Part B of ICAO Doc 9734, *Safety Oversight Manual* and the elements on discharge of safety management functions by RSOOs in the ICAO Safety Management Manual[3], as well as during the deliberations of the ICAO RSOO Symposium held on 26-28 October 2011. The fullest recognition of the value of the regional approach is found in three Resolutions adopted at the 37th ICAO Assembly in 2010, namely Resolutions A37-5 on 'The Universal Safety Oversight Audit Programme (USOAP) continuous monitoring approach', A37-21 on 'Co-operation with regional organizations and regional civil aviation bodies' and A37-8 on 'Regional cooperation and assistance to resolve safety-related deficiencies'.

1.2   Enhancing aviation safety through the development and evolution of effective safety oversight and management is an ongoing process. To achieve a high level of safety in aviation it is necessary to view the aviation system components – products, organizations, operators, crews, aerodromes, ATM, ANS, on the ground or in the air – as being part of a single networked whole, to varying degrees, dependent upon each other. Consequently actions taken in one domain will affect the safety performance in another.

1.3   In Europe this reality has led to the 'regionalising' of safety oversight, and the development of a 'Total System Approach' to the management of safety. This can be described as an approach that aims to reduce the risk of safety gaps or overlaps, and seeks to avoid conflicting requirements and confused responsibilities. Rules are designed to be interpreted and applied in a standardised manner, and to facilitate increased interoperability of products and services. This approach also rationalises the certification processes, reducing the burden on regulated persons and organizations.

1.4   More recent developments in ICAO have emphasised the benefits of a 'total system approach'. Thus the incorporation of provisions into ICAO SARPs and associated activities that seek to acknowledge the benefits of this evolution, in new Annex 19 and in the USOAP CMA based on comprehensive systems approach (CSA). In each case, the regional element has been recognized as a significant, contributing factor as regards implementation.

2.   **A REGIONAL APPROACH TO SAFETY MANAGEMENT**

2.1   The Standards in Annexes to the Chicago Convention require the establishment of a State Safety Programme (SSP), as a system for the management of safety at the State level. Legal competence in certain areas of aviation safety having gradually been transferred to the European Union (EU) the States of the Union reference this EU dimension when describing how they manage safety. There has also been established a 'European Aviation Safety Programme', in close collaboration with Member States, which includes a set of rules and regulations that reflect the complexity and variety of aviation safety activities, overseen at both State and EU level.

2.2   In addition to this primarily reactive approach, the development of a pro-active, evidence based system is being undertaken in order to obtain improvements in safety performance. As part of this system a Safety Plan[4], updated annually, has been published, that identifies significant risks and details actions to be taken by stakeholders, both at a regional and national level, to mitigate the risk. There is an

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[3] Section 3.2
[4] European Aviation Safety Plan (2nd edition), 2012 - 2015

important role for RSOOs in encouraging the development of such safety plans an effort that needs also to be seen and recognized in the context of implementing the Global Aviation Safety Plan (GASP).

3.   A PROACTIVE APPROACH TO SAFETY DATA COLLECTION, ANALYSIS AND EXCHANGE

3.1   The cornerstone of this safety management system approach is risk assessment conducted on the basis of information from a variety of sources, analysis of the data to identify significant risks to safety, and then the taking of specific actions to mitigate those risks. The exchange and dissemination of safety information allow key partners (e.g. regulated stakeholders and public authorities with competence for aviation safety) to share views on risk priorities and to fulfil their respective safety responsibilities, i.e. mainly controlling or mitigating risks linked to their activities for operators and service providers, and implementing a risk based oversight system for aviation authorities.

3.2   To this end a common and robust legislative and regulatory framework must be established, allowing for a harmonized approach to the systematic collection, analysis and exchange of such relevant safety information and data. An important element of securing the effectiveness of this approach is ensuring that the data being fed into the system are of a sufficient quality and completeness.

3.3   The direct benefit is the ability to use this safety information and data both individually and in an aggregated manner, so as to facilitate a data-based identification of risk, and then risk-related decision-making on mitigation, key features of the proactive approach to safety management. At a regional level, the aggregation of data also allows the identification of risks, which may not appear as significant at national level, but might underline the need for action at regional level.

4.   THE IMPORTANCE OF THE SAFETY/JUST CULTURE ELEMENT

4.1   As highlighted above, an essential part of safety management is a proactive approach to safety data collection, analysis and exchange. It is recognized that while the sources of such safety data can be manifold, the *predominant* source of them is an effective safety reporting process.

4.2   Such a process should be considered an integral part of any organization's and State's overall safety culture. To facilitate effective safety reporting requires the establishment of what in Europe is termed an appropriate "Just Culture" environment, in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, and which gives aviation professionals confidence in the reporting system and the guarantee of adequate protection from prejudice. However, gross negligence, wilful violations and destructive acts are not tolerated within such a culture. The successful achievement of a Just Culture development in aviation needs to be supported by both adequate legal requirements, as well as relevant guidance material.

4.3   Just Culture also includes an active and open coordination between the safety and judicial authorities, in jointly striking a proper balance between the need to ensure continued availability of safety information by protecting it and its sources adequately, and the need for a proper administration of justice. These elements, highlighted in ICAO Assembly Resolutions A37-2 and A37-3, have been addressed by the ICAO Safety and Information Protection Task force – SIPTF – which completed its work in January 2013 and whose final report and recommendations are yet to be published.

4.4   There is a role here for RSOOs (and ICAO), in encouraging States to establish such an appropriate environment and in particular joint permanent frameworks to ensure a constructive and

ongoing dialogue with their judiciary. This could be secured through the provision of advice, guidance, support and expertise as regards aviation prosecution policy which would not discourage the reporting of safety information, and by establishing and maintaining a repository of training and education activities addressing the aviation authority's relationship with the judiciary and others.

5.   IMPLEMENTING THE CONTINUOUS MONITORING APPROACH (CMA)

5.1   ICAO Assembly Resolution A37-5 called for the evolution of the USOAP into an approach based on CMA. It also called for continued coordination and cooperation between USOAP and other aviation safety audit programmes, in order to reduce both the burden on States caused by repetitive audits or inspections, and the duplication of monitoring activities

5.2   An RSOO plays an essential role in assisting participating States in their efforts to maintain the continuing organizational competence needed to fulfil their safety oversight and management obligations and responsibilities. In this respect, under the auspices of the EU-ICAO Memorandum of Cooperation, efforts have been undertaken to establish two working arrangements with ICAO on continuous monitoring activities. The main aim of these arrangements is to avoid to the greatest extent possible the unnecessary duplication of effort for States when they are fulfilling their respective European and ICAO CMA reporting obligations.

5.3   As repetitive 'snap-shot' compliance checking evolves under CMA into a more efficient, performance- and risk-based form of oversight, it will ensure that all parties are actively involved and will deliver maximum synergy between ICAO and European CMA-related programmes. It will certainly allow for a consistent and efficient approach to the continuous monitoring of safety oversight and management; but it will also facilitate the identification of common problems encountered by participating states, such as implementation problems associated with and resulting from the development of ICAO SARPs (see ANC/12 Recommendation 6/13), and issues encountered in the notification of "differences" by means of the new Electronic Filing of Differences (EFOD) system.

6.   CONCLUSION

6.1   The Assembly is invited to adopt the following Resolution:

Recalling the deliberations and outcomes of ICAO's 2010 High-Level Safety Conference (HLSC), and notably Recommendation 3/3 a) on 'Regional safety oversight arrangements';

Recalling the deliberations and outcomes of ICAO's 37th Assembly, notably Resolutions A37-5 on 'The Universal Safety Oversight Audit Programme (USOAP) continuous Monitoring approach', A37-21 on 'Co-operation with regional organizations and regional civil aviation bodies' and A37-8 on 'Regional cooperation and assistance to resolve safety-related deficiencies';

Acknowledging the recognition given in Annex 19 to Regional Safety Oversight Organizations and their role in discharging certain State safety management responsibilities on behalf of contracting States; and

Recognizing the actual or potential positive impact resulting from the collaboration among Contracting States in establishing and operating a common safety oversight system within Regional Safety Oversight Organizations.

The Assembly:

Reiterates and reinforces its call for the Council to ensure that the benefits afforded by regional cooperation and Regional Safety Oversight Organizations are adequately reflected in ICAO's rulemaking and safety monitoring activities, in particular in the continuous monitoring approach and Annex 19 on safety management.

— END —