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'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
On:	6 September 2019

Subject:	Preparation of the 40th ICAO Assembly (Montreal, 24 September - 4 October 2019) Working paper on implementation of priority recommendations for a USOAP CMA structured review – Endorsement
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The 40th Assembly of the International Civil Aviation Organisation (ICAO) will take place between 24 September and 4 October 2019. As for previous Assemblies, the European input to the 40th Assembly is jointly prepared by the EU and the European Civil Aviation Conference (ECAC). This approach was outlined last time in preparation of the 39th Assembly.¹

The Working Paper annexed to this note was submitted to ICAO by Australia and New Zealand and is co-sponsored by Singapore. At its meeting on 5 September 2019, the Working Party agreed that the European Union and its Member States co-sponsor the Working paper as well, and decided to submit it to COREPER and Council for final endorsement. Other ECAC States are considering whether to co-sponsor the Working Paper as well.

¹ See information note for the Aviation Working Party meeting on 9 November 2015, document ST 13826/15.

In the light of the above, subject to confirmation by COREPER, Council is invited:

- to confirm the co-sponsorship of the Working paper as set out in the Annex to this note;
 - to authorise the Presidency to co-sponsor the Working Paper on behalf of the European Union and its Member States at the 40th Assembly of ICAO.
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International Civil Aviation
Organization

WORKING PAPER

A40-WP/133

EX/56

2/8/19

ASSEMBLY — 40TH SESSION**EXECUTIVE COMMITTEE****Agenda Item 13: Audit Programmes – Continuous Monitoring Approach****IMPLEMENTATION OF PRIORITY RECOMMENDATIONS FROM THE GROUP OF
EXPERTS FOR A USOAP CMA STRUCTURED REVIEW**

(Presented by Australia and New Zealand and
co-sponsored by Singapore, the European Union and its Member States²)

EXECUTIVE SUMMARY

Australia and New Zealand support efforts to improve and streamline the Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP CMA) methodology, tools and processes, to encourage Member States' continued and effective participation with the USOAP. This includes establishment of an Ad Hoc USOAP CMA Advisory Group and development of a high-level action plan to support evolution of the programme over the coming triennium.

Implementing recommendations of the Thirteenth Air Navigation Conference (AN-Conf/13) from the Group of Experts for a USOAP CMA Structured Review (GEUSR) will provide relief to Member States by reducing the administrative workload of ICAO audits, ICAO Coordinated Validation Missions and off-site validations. This is particularly important for Member States with smaller aviation systems and in preparation for upcoming audit activities, to improve safety governance and system performance.

Action: The Assembly is invited to:

- a) recommend, consistent with outcomes of the AN-Conf/13, that ICAO continue its efforts to accelerate implementation of the GEUSR's recommendations for the mutual benefit of Member States and ICAO, with priority given to Group A and Group B recommendations; and
- b) recommend this work be supported by a detailed implementation plan covering each main work stream and key policy elements, and sufficient human and financial resources.

² 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.

<i>Strategic Objectives:</i>	This working paper relates to the Safety Strategic Objective.
<i>Financial implications:</i>	The cost to ICAO to implement some recommendations would be minimal, and should be met through the resources available in the 2020-2022 Regular ICAO Programme Budget.
<i>References:</i>	A39-WP/213 C-WP/14757 C-WP/14908, Rev 1 C-DEC 214/5 C-DEC 216/5 Doc 10115, <i>Report of the Thirteenth Air Navigation Conference</i> Corrigenda Nos. 1 and 2, and Supplement No. 1

1. INTRODUCTION

1.1 The increased demands on the international air transport industry has a direct dependence on the safety of air transport. ICAO's Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach (CMA) has become an essential means by which ICAO assesses and targets its assistance to Member States, to help improve their safety performance and meet their oversight responsibilities. USOAP CMA Effective Implementation (EI) scores allow ICAO to directly assess a Member State's safety standards.

1.2 The volume of aviation activity taking place and level of safety oversight maturity varies significantly across ICAO's 193 Member States. Some States have complex aviation systems and better-resourced regulatory oversight bodies, while others operate on a much smaller basis with less resources.

1.3 Proper and routine maintenance of the USOAP, launched more than two decades ago and transitioned to the CMA in January 2013, is required to ensure it remains focused, balanced and fit-for-purpose, and to decrease the administrative workload on Member States and aviation stakeholders in relation to ICAO audits, ICAO Coordinated Validation Missions and off-site validations. This is particularly pertinent for Member States around the world with smaller aviation systems and finite resources.

1.4 Following the 39th ICAO Assembly, which recommended that ICAO review and plan improvements to the programme, a Group of Experts for a USOAP CMA Structured Review (GEUSR) was established. The GEUSR, comprising of 11 experts from various Member States conducted an independent review to strengthen the USOAP and identify suggestions for improvement.

1.5 In February 2018, the GEUSR finalised 37 recommendations covering functional improvements and changes to the USOAP CMA including the revision and prioritisation of Protocol Questions (PQs) and USOAP CMA activities, presentation of State indicators, training and guidance, and tools enhancements.

1.6 The AN-Conf/13 recommended that ICAO continue its efforts to evolve the USOAP CMA and implement, as a matter of priority, Group A (Structured revision of the Protocol Questions) and Group B (Priority Protocol Questions) of the GEUSR recommendations. The AN-Conf/13 further agreed that pertinent information should not be lost when reducing the total number of USOAP CMA PQs, particularly for those not directly related to safety oversight.

1.7 The ICAO Council has since reviewed and agreed to the GEUSR's recommendations, while the Secretariat has developed a high-level implementation plan to be supported by an Ad Hoc USOAP CMA Advisory Group.

1.8 Consistent with the outcomes of the AN-Conf/13, the Assembly is asked to support ICAO's continued efforts to accelerate implementation of the GEUSR recommendations, beginning with Group A and B recommendations which would provide more immediate relief to Member States.

2. DISCUSSION

2.1 A balanced, fit-for-purpose approach is required

2.1.1 The current USOAP CMA presents a significant administrative workload for Member States, even to those with advanced aviation systems. It requires the continuous collection of evidence and preparation of appropriate responses against more than 940 PQs, the primary tool for assessing the level of a Member State's level of EI, for upload through ICAO's online framework. One of the challenges the GEUSR identified is the number of PQs that were repetitive or irrelevant to properly measuring the safety oversight capability of a Member State.

2.1.2 The USOAP CMA process applies consistently to all Member States. This lack of agility makes it difficult for the process to be wholly relevant to any one Member State, and particularly disadvantages smaller Member States.

2.1.3 Our experience with Pacific Island States shows there is a risk the USOAP CMA process is becoming increasingly unworkable. The EI scores in the Pacific range from 5.63 per cent to 63.95 per cent, and only two have an EI over 50 per cent, all below the ICAO world average of 68.12 per cent.

2.1.4 Key challenges for Pacific Island States include:

- a) limited internet provision and infrastructure;
- b) limited staff and resources (including technical expertise) to perform the State's regulatory oversight responsibilities; and
- c) the complexity of ICAO's standards and framework.

2.1.5 The workload required by Pacific Island States to manage the USOAP CMA process is disproportionate to the small size and scope of their aviation industry. This risks their ability to improve their EI score and effectively engage in the international aviation system.

2.1.6 We have supported the Pacific Island States to undertake a significant amount of work to improve their EI scores. However, this may not be the best use of their limited resources, and a more proportionate approach would enable them to spend more time improving aviation safety and security.

2.1.7 ICAO engagement with States should be tailored to the complexity of the Member State's aviation system. A proportionate approach would provide agility and the ability to scale the expectations that each Member State is audited against, to align with the complexity of their aviation system.

2.1.8 A risk-based approach would enable more frequent and targeted assessments of Member States. Prioritising activity to focus on higher risk areas is necessary to make best use of ICAO's limited resources. States should be encouraged to focus their efforts on priority areas, alongside a reduction in the requirements on States to show compliance in areas of less relevance.

2.2 The need to maintain up-to-date EI scores

2.2.1 While EI scores are intended to reflect the level of safety oversight in a Member State, there is a risk they may become out-of-date. States continuously strive and adjust in order to meet the changing thresholds required, and must request an ICAO validation in order to keep their EI scores up-to-date. Information delivered by the USOAP CMA process must be up-to-date and relevant so it can be used effectively, otherwise ICAO processes and procedures could become decreasingly relevant.

2.2.2 New Zealand, a relatively mature aviation State, faces challenges with managing the USOAP CMA workload. New Zealand's last full audit was a Comprehensive System Audit in 2006, with a USOAP CMA due in 2016. Due to a significant earthquake, only one aspect of that audit was undertaken. In the meantime, New Zealand's EI score continues to fall relative to the countries it aligns with, providing an inaccurate picture of compliance. This brings reputational risks for New Zealand, as well as for other States facing a similar situation.

2.2.3 An overall reduction in the burden involved to manage the USOAP CMA process, alongside a proportionate and risk-based approach, will have significant benefits.

2.3 Accelerating implementation of the GEUSR's recommendations

2.3.1 Group A recommendations cover improvements to the PQs to ensure they are focused, balanced and comprehensive.

2.3.2 While it is important to ensure the PQs are sufficiently comprehensive and cover a range of areas, managing the total number of PQs would reduce the ever-increasing demand and burden on both Member States (to answer the PQs) and ICAO (to assess Member States' responses).

2.3.3 Although all PQs contribute equally to the calculation of a Member State's EI score, they do not equally impact operational safety risk. Group B recommendations identify specific PQs to help Member States focus on critical aspects of safety oversight impact that could indicate an elevated risk of significant safety concerns.

2.3.4 Responding to PQs across all the Corrective Action Plans is essential for ICAO to comprehensively assess the effective implementation of a Member State's safety oversight system, however this requires significant effort. By prioritising critical PQs, Member States could better allocate resources to safety critical areas.

2.3.5 Revising the PQs so there are fewer, more focused questions would mean less administration for Member States to coordinate and track responses to questions that may have a lower safety priority but still require answers. It would also mean Member States could focus their efforts on providing better responses to targeted priority PQs that are directly relevant to assessing a Member State's safety oversight capability. Further, Member States could instead divert their efforts towards making effective improvements to their safety systems and increase overall participation in the USOAP CMA, improving global and regional aviation safety overall.

2.3.6 There are further advantages to ICAO's stated objective of streamlining the number of PQs over time. The ICAO Secretariat will have less administration work in terms of the ongoing review, reporting and analysis of the PQs, there would be less work to check consistency of answers across multiple PQs. ICAO Audits and ICAO Coordinated Validation Missions will also take less time to prepare for, conduct and administer due to the reduced PQs. The resources saved from these efficiencies could be diverted to supporting Member States to engage more effectively with the USOAP CMA, such as preparing training or guidance materials assist Member States with managing any revisions to the PQs.

3. CONCLUSION

3.1 Accelerating this work by implementing the GEUSR Group A and Group B recommendations as a priority would pave the way to realising the benefits that could be gained through improving the USOAP CMA. This is particularly the case for Member States with upcoming or planned audit activities.

3.2 Australia is encouraged by the ICAO Secretariat's efforts to establish an Ad Hoc USOAP CMA Advisory Group and develop a high-level action plan to support evolution of the programme over the coming triennium.

3.3 A detailed implementation plan covering each main work stream and key policy elements is required, supported by sufficient financial and human resources, to fully deliver on the outcomes of the AN-Conf/13. The cost to ICAO to implement some GEUSR recommendations would be minimal.

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