



**Cooperative Development of Operational Safety and
Continuing Airworthiness Programme
COSCAP-SOUTH ASIA
International Civil Aviation Organization**



**22nd STEERING COMMITTEE MEETING
25-27 SEPTEMBER 2012, DHAKA, BANGLADESH**

UPDATE ON ICAO USOAP/CMA PROGRAMME

Discussion Paper

This discussion paper addresses the current and forthcoming activities of the Universal Safety Oversight Audit Programme (USOAP) and COSCAP-SA support to Member States. COSCAP-SA will continue to provide regular updates to Member States on developments concerning the ICAO USOAP/Continuous Monitoring Approach (CMA) Programme.

1 Background

- 1.1 The 36th Assembly indicated that USOAP has had a very positive effect on the international aviation community and has become an essential mechanism to determine the safety oversight capability of ICAO Member States. The importance of analyzing audit results using tools to collect and maintain current safety-related information, thereby supporting real-time monitoring of States' safety oversight capabilities, was acknowledged.
- 1.2 The 36th Session of the Assembly (resolution A36-4 refers) directed the Council to examine different options for the continuation of the USOAP beyond 2010, including the feasibility of applying a new approach based on the concept of continuous monitoring. Out of several options proposed by the Secretariat on the future of the USOAP, the Council of ICAO (C-187) opted for the Continuous Monitoring Approach (CMA) and directed the Secretary General to begin the development of a methodology and tools including on-line framework required to implement a CMA.
- 1.3 The CMA offers enhanced flexibility in implementing audit methodologies (several types of audits and/or activities), while also providing for the effective utilization of the combined resources of ICAO headquarters, regional offices, ICAO Member States and regional safety organizations. This will allow for the application of a continuous, sustainable and cost-effective monitoring system.
- 1.4 The 37th Assembly adopted resolution A37-5, consolidating previous resolutions related to USOAP. Among other provisions, this directs the evolution to the CMA beginning 1 January 2011. A detailed transition plan has been prepared for the two year period from 2011 to 2012. In January 2013, implementation of the CMA will begin gradually, taking into consideration that some States may require more time in order to fulfill their obligations under the new approach.

- 1.5 The CMA concept will involve the establishment of a system to monitor the safety oversight capability of ICAO Member States on an ongoing basis. In applying this monitoring system, ICAO will adopt a harmonized and consistent approach to assessing the safety level of aviation activities and evaluating safety management capabilities.
- 1.6 Under the CMA, the USOAP will carry out a variety of activities (see Appendix A) including CSA audits. Other activities will include Limited CSA audits, Safety Audits and ICAO Coordinated Validation Missions (ICVMs). These activities will provide the USOAP with enhanced flexibility and enable it to tailor activities to respond to the situation and needs of each State. The CMA will also allow ICAO to identify when other types of activities, such as technical assistance, are required.

2 Discussion

- 2.1 All COSCAP-SA Member States have been audited under the comprehensive systems approach
- 2.2 During missions to States COSCAP-SA will continue to provide support related to the implementation of corrective action plans.
- 2.3 The application of a CMA to the safety oversight process is consistent with the policy of ICAO to pursue a proactive approach to safety under the safety management concept, as embodied by the State Safety Programme (SSP) and safety management systems (SMS). A CMA will link with both, providing for an integrated approach to the resolution of safety concerns. This link will allow ICAO and States to develop and maintain an on-going, updated picture of the safety situation in States as opposed to the snapshot provided by conventional auditing.
- 2.4 A CMA will require the establishment by ICAO of a centralized database to properly manage information received from different sources on an ongoing basis.
- 2.5 Continuous feedback from the States will be required under the CMA in order to determine when either full-scale or limited monitoring activities are required. Such activities will include both targeted and full-scale audits of a State's aviation safety oversight capability.
- 2.6 States will focus on the development of corrective action plans, and ICAO has developed tools to update the status of implementation using iSTARS and the ICAO on-line framework. Detailed information on these has been provided directly to States, and addressed during seminars conducted in various locations in the fall of 2011 and early 2012.
- 2.7 A Seminar/Workshop on USOAP CMA and State Aviation Safety Tools (SAST) was held in Bangkok, Thailand 16-20 January 2012 and another seminar was held on a cost recovery basis in Seoul South Korea in which COSCAP-SA member states participated.,
- 2.8 In a related matter, development of the initial phase of the Electronic Filing of Differences (EFOD) system was completed in November 2010 and improvement of the system functionalities are on-going. In addition to providing States with a tool that facilitates a streamlined, uniform approach to

notifying differences, it will allow ICAO to notify all other States of differences to Standards and Recommended Practices (SARPs), and it will expedite the production of Supplements to Annexes.

- 2.9 EFOD has been developed to address the need for a more efficient means for reporting and researching differences to SARPs and for replacing the existing paper-based mechanism. It also aims to reduce duplication of effort by allowing States to report compliance and differences data only once to serve obligations under the Convention (notification of differences) and the USOAP MoU (submission of compliance checklist).
- 2.10 Since the EFOD system is based on the Compliance Checklist under the USOAP, all data previously entered in the Compliance Checklist has been imported to the new system in order to avoid imposing additional workload on Member States.
- 2.11 Upon the approval by the 192nd Session of the Council, the initial rollout of the EFOD is put in place. States are now able to use the EFOD as an alternative means for notification of compliance and/or differences with all Annexes, except for Annex 9 – *Facilitation* and Annex 17 – *Security – Safeguarding international Civil Aviation against Acts of Unlawful Interference*.
- 2.12 In order for ICAO to prepare Supplements to the Annexes using the differences in the EFOD system, all States had been requested to verify and confirm the relevant data previously entered through the Compliance Checklist (CCs) and now available in the EFOD system and to submit a signed verification form to the Secretary General no later than 30 September 2011 (State Letter AN 1/1-11/28 refers). Majority of COSCAP-SA member States are yet to reply.
- 2.13 To support the use of the EFOD system, the ICAO Air Navigation Commission has established the Electronic Filing of Differences Task Force (FDTF) to assist the Secretariat develop draft procedures for governing EFOD. The task force will also assist in conducting a comprehensive study on the difficulties encountered by States, with a view to improving existing guidelines and procedures. It is anticipated that the work of the FDTF will be completed by December 2012 (State Letter AN 1/1-IND/11/2 refers).
- 2.14 Concerning the Procedures and Principles on the Use of the EFOD system, the Council agreed during its 195th Session that, subject to the amendments as discussed in the Council, the said Procedures should be published under the authority of the Secretary General and that Member States should be notified accordingly.
- 2.15 In view of the collection of safety information under the CMA, ICAO is exploring an agreement with regional safety oversight organizations (RSOOs), including COSCAPs, based on the consent of their Member States. This will also enable ICAO to better monitor the safety-related activities of the States involved.

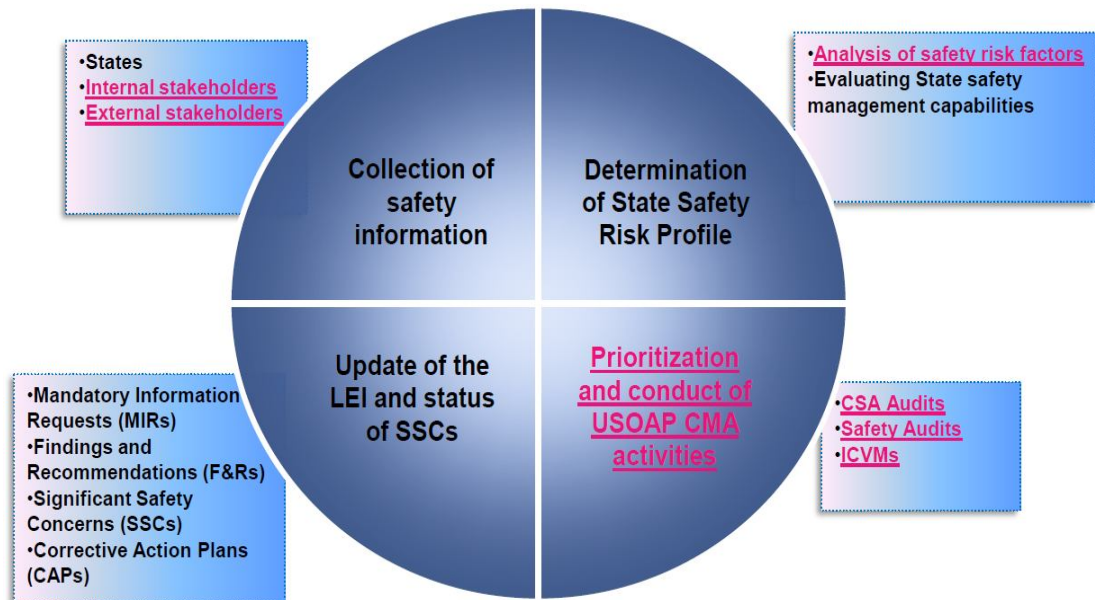
3 Recommendations

- 3.1 COSCAP-SA to continue to provide regular updates to Member States on developments concerning the ICAO USOAP CMA Programme. Most current information related to the CMA activities can be found in Appendix C.

- 3.2 Ongoing efforts to fully implement the Corrective Action Plan from the ICAO USOAP audits should be sustained as this will be utilized as one of the indicators under the CMA.
- 3.3 COSCAP-SA Member States are encouraged to utilize COSCAP-SA to provide support for follow-up on USOAP audit results where required. If required and subject to availability of resources, COSCAP-SA will engage short-term experts in the areas of USOAP/CMA implementation.
- 3.4 Member States should ensure that they keep the Compliance Checklist current, complete their 'State Aviation Activity Questionnaire' (SAAQ) and use the EFOD system as an alternative means for the filing of differences to all Annexes.
- 3.5 Member States should review differences data in the EFOD system and send a verification form to ICAO as requested by State letter AN 1/1-11/28 in order to facilitate the ICAO's sharing difference accordingly.
- 3.6 The COSCAP-SA Programme Coordinator/ Regional Experts will be able to assist member States with the use of iSTARS and the implementation of the CMA on-line framework during regular missions.
- 3.7 Member States are encouraged to take into consideration an agreement with ICAO under the CMA on the sharing safety information.

- Appendix A: USOAP CMA Components
- B: MOU between State and ICAO regarding the USOAP CMA
- C: CMA Information related to COSCAP-SA Member States

USOAP Continuous Monitoring Approach Components



**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN STATE [LONG NAME] AND
THE INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)
REGARDING THE UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME
CONTINUOUS MONITORING APPROACH**

Whereas the primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide: (A37-5)

Whereas the 32nd Session of the Assembly of ICAO in Resolution A32-11 directed the Council to establish the ICAO Universal Safety Oversight Audit Programme (USOAP), providing for regular, mandatory, systematic and harmonized safety audits to be carried out by ICAO, that such universal safety oversight programme shall apply to all Contracting States, and that greater transparency and increased disclosure be implemented in the release of audit results: (CSA MOU)

Whereas the 32nd Session of the Assembly urged all Contracting States to sign a bilateral Memorandum of Understanding (MOU) with the Organization, agreeing to audits to be carried out upon ICAO's initiative, but always with the consent of the State to be audited, and outlining the rules of conduct for such audits: (CSA MOU)

Whereas the DGCA/06 Conference made recommendations to allow public access to appropriate information on safety oversight audits and to develop an additional mechanism to rapidly resolve Significant Safety Concerns (SSCs) identified under USOAP: (A37-5)

Whereas the 37th Session of the Assembly directed the Secretary General to evolve the USOAP to a Continuous Monitoring Approach (CMA), which will incorporate the analysis of safety risk factors and be applied on a universal basis in order to assess States' oversight capabilities: (A37-5)

Whereas the 37th Session of the Assembly directed the Secretary General to ensure that the CMA continues to maintain as core elements the key safety provisions contained in Annex 1 — *Persomnel 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*: (A37-5)

Whereas the 37th Session of the Assembly urged all Contracting States to submit to ICAO, in a timely manner, and keep up to date all the information and documentation requested by ICAO for the purpose of ensuring the effective implementation of the USOAP CMA: (A37-5)

Whereas the 37th Session of the Assembly urged all Contracting States to cooperate with ICAO and, as much as practicable, to accept continuous monitoring activities scheduled by the Organization, including audits and validation missions, in order to facilitate the smooth functioning of the USOAP CMA: (A37-5)

Whereas the 37th Session of the Assembly directed the Secretary General to make all safety oversight-related information generated by the USOAP CMA available to all Contracting States through the USOAP restricted website: (A37-5)

Whereas the 37th Session of the Assembly directed the Secretary General to continue to foster coordination and cooperation between USOAP and audit programmes of other organizations related to aviation safety; for the sharing of confidential safety information in order to reduce the burden on States caused by repetitive audits or inspections and to decrease the duplication of monitoring activities: (A37-5)

Recalling that transparency and the sharing of safety information are fundamental tenets of a safe air transportation system; and (CSA MOU)

Recognizing that mutual trust between States as well as public confidence in the safety of air transportation is contingent upon access to adequate safety information. (CSA MOU)

IT IS AGREED AS FOLLOWS:

PART I – USOAP CMA ACTIVITIES (GENERAL)

1. Pursuant to Assembly Resolution A37-5, State [long name], hereafter referred to as State [abbreviated name], hereby agrees to participate fully in the USOAP CMA by taking part in all USOAP CMA activities and by committing to provide information related to the establishment and implementation of its safety oversight system through the CMA online framework on an ongoing basis. USOAP CMA activities will cover safety-related provisions in Annexes to the *Convention on International Civil Aviation* (Chicago, 1944). (CSA MOU modified)
2. State [abbreviated name] and ICAO accept that all actions taken by the parties or activities carried out under the USOAP CMA will be conducted in accordance with the guidelines and principles set forth in the *Universal Safety Oversight Audit Programme Continuous Monitoring Manual* (ICAO Doc 9735), as amended. (CSA MOU modified)
3. State [abbreviated name] agrees to facilitate the USOAP CMA by designating one or more appropriately-qualified persons to act as National Continuous Monitoring Coordinator(s) (NMCs) on an ongoing basis. The NMCs act as facilitators and as the primary points of contact for all USOAP CMA processes and activities. The NMCs will be responsible for providing ICAO with updates and information on an ongoing basis, either by providing ICAO with copies of the relevant information and updates, or by directly inputting information through the USOAP CMA online framework. (New Item)
4. Information to be submitted and updated regularly by the NMCs through the USOAP CMA online framework will include, but not be limited to, responses to the State Aviation Activity Questionnaire (SAAQ), status of the USOAP protocol questions (PQs), responses to ICAO Mandatory Information Requests (MIRs), information relating to Significant Safety Concerns (SSCs), updates to the State Corrective Action Plan (CAP), including information regarding implementation status and, as far as practicable, any other relevant safety information, as requested by ICAO. Details regarding the role of the NMCs and the submission of information through the USOAP CMA online framework are contained in ICAO Doc 9735. (New Item)
5. State [abbreviated name] agrees to complete and maintain up-to-date Compliance Checklists, which contain information on the implementation of the specific provisions of the relevant Annexes to the Chicago Convention. Whenever possible, the State will provide this information through the Electronic Filing of Differences (EFOD) system. (New item)
6. Based on information collected through the USOAP CMA online framework, ICAO Headquarters may issue MIRs, Findings and Recommendations (F&Rs) and/or SSCs which apply to State [abbreviated name]. Such MIRs, F&Rs and/or SSCs will be notified to the State through the USOAP CMA online framework, or by letter, and will be addressed by the State in accordance with the timelines set out in the Part III of this MOU. (New item)
7. F&Rs and SSCs generated by USOAP CMA activities will be made available to all ICAO Member States through the USOAP CMA online framework. A report on the effectiveness of State [abbreviated name]'s safety oversight system will be made available through the ICAO public website. (CSA MOU Modified)

8. If a Regional Safety Oversight Organization (RSOO) or any other entity performs safety-related activities on behalf of State, [abbreviated name] ICAO may elect to enter into a working arrangement with this RSOO or entity as appropriate, to facilitate the monitoring of the State.

PART II – USOAP CMA ON-SITE ACTIVITIES

9. USOAP CMA on-site activities comprise USOAP Comprehensive Systems Approach (CSA) audits, as well as ICAO Coordinated Validation Missions (ICVMs) and Safety Audits. Safety Audits are conducted on a cost-recovery basis at the request of a Member State of ICAO. When requested by a Member State of ICAO, an ICVM may also be conducted on a cost-recovery basis. (New item)
10. With the exception of Safety Audits and cost-recovery ICVMs, where all costs are borne by the State, ICAO will be responsible for the cost of transportation to and from the State, as well as for the daily subsistence allowance (DSA) of the team members. (CSA MOU modified)
11. A periodic schedule of USOAP CMA on-site activities will be published in accordance with ICAO Doc 9735, with the dates of Safety Audits to be agreed between ICAO and the States concerned on a case-by-case basis. (New item)
12. Unless justified reasons lead the parties to mutually agree upon alternate dates, State [abbreviated name] is expected to accept scheduled on-site activities. (CSA MOU modified)
13. Notification of on-site activities of the USOAP CMA will be provided to the State by ICAO with at least 120 calendar days advance notice. When necessary or useful, State [abbreviated name] and ICAO may mutually agree to a shorter notice period for any USOAP CMA on-site activity. (CSA MOU modified)
14. No change in the periodic schedule of USOAP CSA audits will be allowed within ninety calendar days prior to the starting date of the audit of the State, and no change to a scheduled ICVM will be allowed within sixty calendar days prior to the starting date of the ICVM, except for a compelling reason, submitted to the President of the Council of ICAO for his consideration. Any change made by the State to the dates of a scheduled Safety Audit will be made on a case-by-case basis, with the State concerned incurring all costs associated with the postponement or cancellation. (CSA MOU modified)
15. The scope of all USOAP CMA on-site activities will be determined by ICAO based on information collected and will be communicated to the State in advance of the activities, in accordance with the timelines stipulated in ICAO Doc 9735. (New item)
16. All ICAO audit and ICVM teams will comprise experts in the disciplines related to the areas addressed by the audit or ICVM. The composition of the team (names and areas of expertise) will be provided to the State at least forty-five calendar days prior to the conduct of a USOAP CSA audit or ICVM. For Safety Audits, every effort will be made to communicate the team composition to the State at least forty-five days prior; however, this timing may vary depending on the specific circumstances. (CSA MOU modified)
17. USOAP CMA on-site activities will be conducted in English, French or Spanish, as requested by the State. If the language of the State, as notified to ICAO, is one of the three remaining ICAO

- 4 -

working languages, every effort will be made to ensure that at least one team member participating in the USOAP CMA on-site activity has command of that ICAO working language. (CSA MOU modified)

18. The ICAO team will develop a State-specific mission plan for each USOAP CMA on-site activity, containing information on the conduct of the scheduled activity. The plan will be forwarded to the NCMCs prior to the activity to facilitate cooperation and coordination. Any modification to the State-specific mission plan may be agreed between ICAO and the State during the opening meeting. (New item)
19. State [abbreviated name] agrees to facilitate USOAP CMA on-site activities by:
 - a) providing access to selected organizations and personnel involved in the management or provision of personnel licences, air transport operations, maintenance and airworthiness of aircraft, air navigation services, aerodrome operations as well as aircraft accident and incident investigations, handling and shipping by air of dangerous goods and any other relevant activity required by safety-related provisions in the Annexes to the Chicago Convention;
 - b) making all relevant documents, files and information available to the ICAO team; and
 - c) providing access to facilities and restricted areas at air traffic services, aerodromes and other areas where the audit or ICVM is expected to be conducted. (CSA MOU modified)
20. State [abbreviated name] agrees to provide support to the USOAP CMA on-site activities by:
 - a) providing interpretation services for the duration of the on-site activity or as requested by the ICAO team;
 - b) making accommodation arrangements for the ICAO team for the duration of the on-site activity;
 - c) meeting the cost of transportation when visits to various locations within the State are required under the State-specific mission plan;
 - d) providing adequate working space with privacy for the ICAO team;
 - e) providing access to a printer, photocopier, scanner and facsimile machine, if available; and
 - f) providing Internet access, if available. (CSA MOU modified)
21. During the conduct of a CSA audit or Safety Audit, the ICAO team will review the State's legislative and regulatory provisions, examine records, documentation, facilities, equipment and tools, as well as conduct interviews to determine the establishment and implementation of an effective safety oversight system, including the implementation of ICAO SARPs, PANS and other procedures, as well as adherence to guidance material and relevant safety-related practices in general use in the aviation industry as referred to in such material. (CSA MOU modified)
22. During the conduct of an ICVM, the ICAO team may perform any of the activities identified in paragraph 20 in order to facilitate the validation of progress made by the State in resolving identified safety oversight deficiencies. (New item)
23. Upon completion of the USOAP CMA on-site activity, the ICAO team will conduct a closing meeting in which they will provide a summary of the results of the activity to government officials, as determined by the NCMC. These officials may include senior Civil Aviation

- 5 -

Authority (CAA) management and other State authorities responsible for the areas covered by the scope of the activity. The ICAO team will also provide a briefing on the next steps in the USOAP CMA process. If necessary and appropriate, the closing meeting will also be used to notify the State of any preliminary SSCs identified during the activity. (CSA MOU modified)

24. For CSA audits and Safety Audits, the ICAO team will provide the State with draft F&Rs prior to departing the State. Formal written notification of any SSCs identified during the activity will be provided to State [abbreviated name] within fifteen calendar days from the closing meeting. (CSA MOU modified)
25. ICAO undertakes to make available to State [abbreviated name] a draft final report for any USOAP CMA on-site activity within ninety calendar days from the closing meeting. If the ICAO working language of the State is other than the language of the activity, the draft final report will be translated into that language and timelines will be adjusted accordingly. State [abbreviated name] commits to providing ICAO with its comments on the draft final report within forty-five calendar days from receipt of the report in the ICAO working language of its choice. Any comments received will be reviewed by ICAO before being incorporated into the final report. (New item)
26. ICAO will provide State [abbreviated name] with the final report within 165 calendar days from the date of the closing meeting. However, if translation is required into an ICAO working language other than the language of the activity, this timeline will be adjusted accordingly. The final report will then be made available to all Member States of ICAO through the USOAP CMA online framework. (CSA MOU – Modified)
27. Without prejudice to other privileges and immunities applicable to ICAO as a Specialized Agency of the United Nations, and its personnel, all members of a USOAP CMA on-site activity team shall be immune from legal process in respect of words spoken or written and all acts performed by them in their official capacity. (CSA MOU)

PART III – DEFICIENCIES AND CORRECTIVE ACTIONS

28. If an SSC is notified to State [abbreviated name] following a USOAP CMA on-site activity or at any other time, ICAO will provide State [abbreviated name] with a short time frame to resolve the SSC through immediate corrective actions. If the SSC remains unresolved at the end of the prescribed time frame, the SSC will be made available to all Member States of ICAO through the USOAP CMA online framework. (CSA MOU – Modified)
29. Should any deficiencies be identified, State [abbreviated name] undertakes to provide ICAO with a proposed CAP within forty-five calendar days from the date of posting of the F&Rs on the USOAP CMA online framework or from the date of notification of the F&Rs through a draft final report. The CAP should provide specific actions and estimated implementation dates, as well as a responsible office for taking action to correct the deficiencies identified in the F&Rs. If no CAP is submitted, ICAO will contact State [abbreviated name] to determine the reasons for not providing a CAP and report its findings to Council. (New item)
30. ICAO will provide State [abbreviated name] with feedback on the acceptability of any proposed CAP. If any proposed corrective actions do not fully address the associated F&Rs, the State will be notified accordingly. (New item)

PART IV – DISPUTE RESOLUTION

31. Any difference or dispute concerning the interpretation or the application of this Memorandum of Understanding will be resolved by negotiation between the parties concerned. (CSA MOU)

- 6 -

**For the International Civil
Aviation Organization**

**For the Appropriate Authority of [State
formal name]**

Raymond Benjamin
Secretary General

Name:
Title:

Date

Date

— END —

Appendix-C**CMA Information related to COSCAP-SA Member States**

STATE	ICVM (2012/2013) scheduled for	EB to be published in Aug '12 (being monitored)	National Continuous Monitoring Coordinator (NMC)	MOU (CMA type) signed on	CAP last updated on
Bangladesh	21 –27 June 2012	Listed and completed	Mr. Prasanta Kumar Chakraborty	02/02/12	13/06/12
Bhutan	Not planed	Not listed	Mr. Sangay Tenzin	08/08/12	06/07/09
India	12 – 21 December 2012	Listed	Mrs. Tuhinanshu Sharma	01/12/11	29/07/12
Maldives	2013	Listed	Mr. Abdulla Mohamed	29/08/12	None
Nepal	2013	Listed	Mr. Sanjiv Gautam	23/12/11	09/09/11
Pakistan	No planed	Completed CSA Audit in 2011	Mr. Muhammad Zia Khan	05/10/11	None
Sri Lanka	Not planed	Not listed	Mr. Atula Jayawickrama	03/09/11	05/08/12

- END -