



24th COSCAP-SA STEERING COMMITTEE MEETING

Evolution of Annex 19 Discussion Paper 6A (DP-6A)

(Presented by ICAO APAC RO)

SUMMARY

This working paper outlines the strategy for the development of Annex 19 – *Safety Management*, and provides an overview of the amendment proposals presented in **State Letter AN 8/3-15/46** dated 21 July 2015. States and appropriate international organizations are invited to submit their responses **by 15 October 2015** indicating their agreement with the proposal as well as their preferred applicability date.

<i>Strategic Objective:</i>	<ul style="list-style-type: none"> • Safety
<i>References:</i>	<ul style="list-style-type: none"> • Doc 9935: <i>Report of the High-Level Safety Conference 2010</i>, Montréal, Canada, 29 March - 1 April 2010 • Doc 10004: <i>2014–2016 Global Aviation Safety Plan</i> • Document 10046 : <i>Second High-level Safety Conference 2015</i>, Montréal, Canada, 2-5 February 2015

1. INTRODUCTION

1.1 The ICAO High-level Safety Conference 2010 (HLSC 2010) recommended the development of a new Annex dedicated to safety management responsibilities and processes which would address the safety management responsibilities of States framed under the State safety programme (SSP).

1.2 Development of the new Annex on safety management is following a two-phase process. The first phase focused on the consolidation and reorganization of Standards and Recommended Practices (SARPs) existing in Annexes 1, 6, 8, 11, 13 and 14 and was completed with the adoption of Annex 19 — *Safety Management* on 25 February 2013. The second phase is focused on the further development of safety management provisions. **State Letter AN 8/3-15/46, issued on 21 July 2015**, contains proposed amendments to Annex 19 and Annex 8 — *Airworthiness of Aircraft*, as well as consequential amendments to Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes* and Part III — *International Operations — Helicopters*.

1.3 These proposals pertain to safety management and are based on recommendations from the Safety Management Panel (SMP), the Airworthiness Panel (AIRP) and the Safety Information Protection Task Force (SIPTF). The deadline for comments to reach ICAO is **15 October 2015**.

2. PROPOSED ANNEX 19 AMENDMENT OVERVIEW

Integration of SSP and State safety oversight provisions

2.1 In response to the need to define the relationship between the eight critical elements of a State safety oversight (SSO) system and the SSP framework, the proposed amendments to Chapter 3 of Annex 19 integrate all provisions related to a State's safety management responsibilities. This proposed integration will need to be supported by new or amended guidance material and training, not only related to SSP but to SSO as well, to help States continue to make progress in implementing SSP and achieve sustainable improved safety performance (HLSC/15 Recommendations 2/1 refers).

2.2 In addition, the proposed integration of provisions related to a State's safety management responsibilities elevates the elements of the SSP framework, currently contained in Attachment A of Annex 19, to Standards or Recommended Practices. These changes will require some States to amend their legislation, which would potentially require a substantial amount of time and resources.

Enhancements to SMS provisions and extension of SMS applicability

2.3 During the preliminary review for the adoption of Annex 19, the Air Navigation Commission supported extending the applicability of SMS to organizations responsible for the type design and/or manufacture of engines and propellers. Nonetheless, the ANC deferred this issue to phase 2 due to the fact that Annex 8 does not include provisions to recognize these organizations as separate from the organization responsible for the type design and manufacture of aircraft. The SMP has worked in coordination with the AIRP to develop proposed amendments to address the recognition of organizations responsible for the type design and/or manufacture of engines and propellers, to extend the applicability of SMS to these organizations and to identify a State of Design and/or Manufacture that may be separate from the State of Design for the aircraft. The proposal contains amended provisions to Annex 8 and to Chapters 3 and 4 of Annex 19.

2.4 The SMP discussed the extension of SMS to other areas of aviation activity and concluded that the focus should be to improve SMS implementation among existing service providers. For areas of aviation activity that have the potential to introduce hazards to the safe operation of aircraft, the SMP concluded that existing service providers should address these activities as part of their SMS through interface management. A note is being proposed at the beginning of Appendix 2 to Annex 19 to indicate that the service providers' interfaces with other service providers and subcontractors can have a significant contribution to the safety of its products or services. The SMP is developing guidance material on this subject. The proposal also contains new and amended provisions for Chapter 4 and Appendix 2 to Annex 19, including the addition of several notes, to facilitate the implementation of an SMS.

Protection of safety data and safety information

2.5 The provisions for the protection of safety data and safety information were developed by a coordination meeting held between experts from the SMP and SIP TF. The coordination meeting used as a baseline recommendations for Amendment 1 to Annex 19 — *Safety Management*, as developed by the SMP, taking into consideration the proposed amendment in State letter AN 8/1-14/47 as well as replies from States and international organizations to the proposal.

2.6 One of the key elements of the proposed amendments related to the protection of safety data and safety information is that guidance material currently contained in Attachment B to Annex 19 be upgraded to the status of SARPs, grouped within a new Appendix. The proposed amendments to Annex 19 will require modifications to the legal frameworks in many States. In recognition of the activities associated with the future implementation of these amendments, the HLSC 2015 recommended that States be given the necessary timeframes to enact or amend relevant legislation (HLSC/15 Recommendation 2/2 refers).

Supporting guidance material

2.7 Taking into account the scope and complexity of the proposed amendments, and challenges faced by States in meeting the Global Aviation Safety Plan (GASP) objectives, further guidance material is being developed to assist States in the effective implementation of existing and proposed provisions in Annex 19. An updated version of the ICAO Safety Management Manual (SMM) (Doc 9859) is expected to be published in all ICAO working languages in the second quarter of 2017.

Applicability

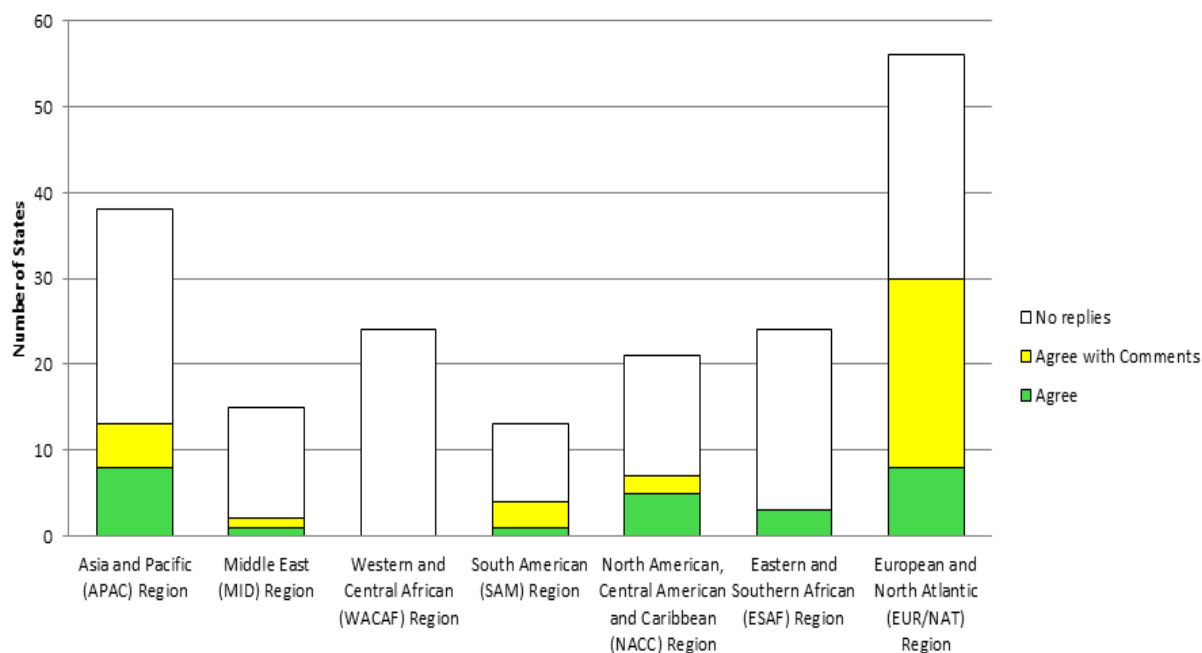
2.8 It is important to note that notwithstanding the initial adoption of Annex 19 or the adoption of the first amendment to Annex 19, the initial applicability for SMS and SSP was established when the SARPs were adopted in the various Annexes. For SMS this dates back to November 2001 for Annex 11 and 14 and January 2009 and November 2010 for Annexes 6 and 8, respectively. For SSP, the provisions first appeared in the form of a Safety Programme in Annexes 6, 11 and 14 in November 2006, followed by the adoption of the SSP framework for Annexes 1, 6, 8, 11, 13 and 14 in 2010.

2.9 The proposed amendments to Annexes 19, 8, 6 Parts I and III are anticipated to be put forward for adoption by the Council in March 2016 and to become effective in July 2016. The ANC has recommended an applicability date of 8 November 2018 for the proposed amendments to Annex 19 and 6, Parts I and III. However, the State Letter provides an opportunity for States to indicate support for a 5 November 2020 applicability date. In such cases, supporting rationale is requested. As the proposed amendments to Annex 8 reflect practices that have been in place for decades, these are envisaged for applicability on 10 November 2016.

State Letter responses

2.10 For the initial adoption of Annex 19, ICAO received 70 timely replies to State Letter AN 8/3-12/42, dated 29 June 2012, from 62 Member States, including 21 of 36 Council Member States, and 8 international organizations.¹ The breakdown by ICAO region is shown in the Chart that follows. Of the 7 COSCAP-SA Member States, only one State replied to the State Letter, agreeing without comments.

¹Although an additional 10 States replied, the comments provided were not received in time to be considered during the final review conducted by the Air Navigation Commission (ANC).



Replies to State Letter AN 8/3-12/42, dated 29 June 2012, by ICAO region

2.11 The implementation of SSP is being addressed by regional initiatives that include coordination with industry stakeholders. Each region faces different challenges in implementing SSP and achieving the objectives outlined in the GASP as well as the established regional targets. Therefore, States are encouraged to share their perspectives regarding SSP implementation challenges at the regional level and to formulate and submit timely responses to **State Letter AN 8/3-15/46**.

3. SUMMARY

3.1 The development of Annex 19 is following a two-phase process. The first phase, to consolidate existing overarching safety management SARPs under the cover of one Annex was completed with the adoption of Annex 19 — *Safety Management*, on 25 February 2013. The second phase is progressing, with State Letter SL 8/3-15/46 containing proposed amendments pertaining to safety management having been sent to States and appropriate international organizations on 21 July 2015. The deadline for comments is 15 October 2015.

3.2 The proposed amendments to Annex 19 comprise 1) the integration of the SSP and State safety oversight system elements, 2) Enhancements to SMS provisions and extension of SMS applicability, and 3) Enhanced provisions for the protection of safety data and safety information. The proposed amendments to Annex 8 include provisions to recognize engine and propeller type design and manufacturing organizations as separate from the organization responsible for the type design and manufacture of aircraft to facilitate the extension of SMS to these organizations.

3.3 The supporting guidance material is expected to be published in all ICAO working languages in the second quarter of 2017. The applicability date for the proposed amendments to Annex 19 will be determined by the ICAO Council, based on recommendations resulting from the final review conducted by the ANC which will take into consideration the responses to the State Letter.

4. ACTION FOR THE MEETING

4.1 The meeting is invited to:

- a) note the two-phase process established for the development of Annex 19;
- b) review the proposed amendments related to safety management found in **State Letter AN 8/3-15/46**;
- c) encourage States to submit a timely response to the State Letter, including preferred applicability date; and
- d) encourage COSCAP-SA member states to share their perspectives regarding SSP implementation challenges and to formulate associated responses to the state letter.