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Safety Oversight Manual

Part B
The Establishment and Management of a Regional Safety Oversight Organization

Approved by the Secretary General
and published under his authority

Second Edition — 2011

International Civil Aviation Organization

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AMENDMENTS

Amendments are announced in the supplements to the *Catalogue of ICAO Publications;* the Catalogue and its supplements are available on the ICAO website at www.icao.int. The space below is provided to keep a record of such amendments.

RECORD OF AMENDMENTS AND CORRIGENDA

AMENDMENTS		
No.	Date	Entered by
1	9/8/13	ICAO

CORRIGENDA		
No.	Date	Entered by
1	18/10/13	ICAO

FOREWORD

This manual, with the incorporation of Amendment 1, provides additional and more detailed guidance on the financing of a Regional Safety Oversight Organization (RSOO). This new guidance was prepared on the basis of the outcomes of the Symposium on RSOOs that was held in Montréal in October 2011 and endorsed, thereafter, by the ICAO Council during its 195th Session. Relevant stakeholders have participated in the development of the guidance on the financing, including a joint Study Group consisting of subject matter experts from the Air Navigation Bureau and Air Transport Bureau of ICAO, the Chairman of the Airport Economics Panel and Air Navigation Services Economics Panel (AEP-ANSEP), experts from the RSOOs and international organizations such as the World Bank, Airports Council International (ACI), the Civil Air Navigation Services Organization (CANSO) and the International Air Transport Association (IATA). The new funding options provide more practicable means to mobilize the funds required for fulfilling mandates of an RSOO by including, among other information, the potential use of an air safety charge, at the discretion of the RSOO and its Member States. The new guidance emphasizes the need for strict safeguards, such as accountability and transparency to those Member States of an RSOO that are willing to make use of such a mechanism. It also provides an integral view of current ICAO policies, aligning the structure of this manual with existing ICAO policies and guidance material related to the funding of air transport infrastructure.

The manual continues to use the term “RSOO” which covers, in a general sense, a number of legal forms and institutional structures that range from highly formalized international intergovernmental organizations, such as the European Aviation Safety Agency (EASA) and the Pacific Aviation Safety Office (PASO), to less institutionalized projects established under the ICAO Cooperative Development of Operational Safety and Continuing Airworthiness Programme (COSCAP). ICAO Assembly resolutions essentially leave it up to each group of States that wishes to establish an RSOO to determine the legal form and institutional structure that best fits the needs and characteristics of their specific region.

The defining characteristics that are common to all RSOOs lie in their uniform mandate, objective and purpose. Specifically, these refer to the expert advisory and consultative service in the area of safety oversight, the provision of technical assistance and the execution of safety oversight functions on behalf of Member States. As shall be seen in this manual, although it is left to States to decide on the RSOO that best suits their purpose and region, there are both advantages and disadvantages to the different legal forms and institutional structures that have been adopted by some RSOOs. On the whole, however, it must be said that ICAO supports the transition of less formalized legal forms and institutional structures of, for instance, the COSCAP, to more institutionalized RSOOs established on the basis of formal legal agreements. The latter type of RSOO more expressly commits its Member States to the organization, better enables the delegation of tasks and functions to the RSOO and better provides for sustainability. For these reasons, it should be noted that this manual does focus more on this type of RSOO than it does on the COSCAP.

This manual outlines the duties and responsibilities, individually and/or collectively, of ICAO Contracting States to the Chicago Convention with respect to the various options and formats of an RSOO. It addresses a State’s obligation to be in conformance with the Convention on International Civil Aviation (hereafter referred to as the Chicago Convention) signed at Chicago on 7 December 1944, which for many States may be more effectively achieved through membership of an RSOO. Pursuant to Article 1 of the Chicago Convention, a State has complete and exclusive sovereignty over the airspace above its territory and, in accordance with Articles 12 (Rules of the air) and 37 (Adoption of international standards and procedures), has the responsibility for safety oversight of international civil aviation within its borders and in respect of aircraft carrying its registration marks. States are also expected to collaborate to the highest degree to achieve standardization of laws, regulations, procedures and practices. The establishment of a properly resourced RSOO provides those States which individually lack the resources to establish an effective safety oversight system with the means to pool their resources for the purpose of establishing a common regional approach to safety regulation, oversight and enforcement.

ICAO, international organizations, individual States and industry stakeholders have implemented a large number of projects over several decades to improve civil aviation safety in many regions. However, despite these efforts as well as numerous initiatives designed to help States meet their safety oversight responsibilities, a number of States still experience major challenges in developing the capability for effective safety oversight. At the same time, USOAP results indicate a strong statistical correlation between States' safety oversight capabilities and accident rates, which clearly underlines the importance of robust safety oversight capabilities. As identified by the USOAP audits, the main reason why States fail to develop the capability for effective safety oversight is lack of adequate resources, specifically in terms of qualified technical expertise. This has led ICAO to conclude that regional or subregional safety oversight systems are an effective means of overcoming these deficiencies through shared objectives, strategies and activities. Most importantly, the pooling of resources enables the RSOO to effectively utilize appropriately qualified and experienced personnel.

At the 37th Session of the ICAO Assembly, held in September 2010, delegates expressed strong support for the establishment of RSOOs as a means of strengthening safety oversight capabilities on a regional or subregional basis. The Assembly adopted Resolution A37-8 on regional cooperation and assistance to resolve safety-related deficiencies, in which it recognized that RSOOs have great potential to assist States in complying with their obligations under the Chicago Convention, through economies of scale and harmonization on a larger scale. It directed the ICAO Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of RSOOs. It further encouraged Contracting States to foster the creation of regional and subregional partnerships to, inter alia, participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including RSOOs.

This manual further expands on the guidance material to include the experience gained from a number of regional programmes, several of which have resulted in the establishment of an RSOO. A number of RSOOs have already been established throughout the world, and the creation of additional RSOOs is being planned. In view of the diverse range of regional and subregional arrangements for safety oversight, it is intended that this document provides additional guidance material and alternatives for the implementation of various forms of RSOOS, along with greater emphasis on resource allocation and sustainability. Additional reference material and links to various forms of regional arrangements are provided on the ICAO website at www.icao.int/fsix.

In order to keep this manual relevant and accurate, suggestions for improving it in terms of format, content or presentation are welcome. Any such recommendation or suggestion will be examined and, if found suitable, will be included in regular updates to the manual. Regular revision will ensure that the manual remains both pertinent and accurate.

Comments concerning this manual should be addressed to:

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Montréal, Quebec H3C 5H7
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GLOSSARY

The definitions used in this manual are similar to those found in the Annexes to the Chicago Convention and in other ICAO documentation (such as the *International Civil Aviation Vocabulary* (Doc 9713)) or are the definitions used by ICAO's Continuous Monitoring and Oversight (CMO) Section for this document and the USOAP continuous monitoring approach.

Accident. An occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time as it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of:

— being in the aircraft, or
— direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
— direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which:

— adversely affects the structural strength, performance or flight characteristics of the aircraft, and
— would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes), or for minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike (including holes in the radome); or

c) the aircraft is missing or is completely inaccessible.

Note 1.— For statistical uniformity only, an injury resulting in death within thirty days of the date of the accident is classified, by ICAO, as a fatal injury.

Note 2.— An aircraft is considered to be missing when the official search has been terminated and the wreckage has not been located.

Note 3.— The type of unmanned aircraft system to be investigated is addressed in Annex 13, 5.1.

Note 4.— Guidance for the determination of aircraft damage can be found in Annex 13, Attachment G.

Aerodrome. A defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft.

Aerodrome certificate. A certificate issued by the appropriate authority under applicable regulations for the operation of an aerodrome.

Aerodrome manual. A manual that forms part of the safety assurance in an application for an aerodrome certificate, containing material required by a State's certification requirements as well as material for use by aerodrome operational personnel in the execution of their duties.

Aeronautical Information Publication (AIP). A publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation.

Note.— The term includes details of aerodrome certification conditions and exemptions/exceptions granted by the State aviation authority in relation to aerodrome certification requirements.

Aeronautical study. A study of an aeronautical problem to identify possible solutions and select a solution that is acceptable without degrading safety.

Aircraft. Any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface.

Air navigation services. Services provided to air traffic during all phases of operations including air traffic management (ATM), communications, navigation and surveillance (CNS), meteorological services for air navigation (MET), search and rescue (SAR) and aeronautical information services (AIS).

Air operator certificate (AOC). A certificate authorizing an operator to carry out specified commercial air transport operations.

Air safety charge. A levy applied to passengers that is designed specifically to contribute towards the recovery of RSOO costs for providing safety oversight services.

Air traffic. All aircraft in flight or operating on the movement area of an aerodrome.

Air traffic service (ATS). A generic term meaning variously, flight information service, alerting service, air traffic advisory service, air traffic control service (area control service, approach control service or aerodrome control service).

Audit. A systematic and objective review of a State's aviation framework to verify compliance with the provisions of the Chicago Convention or national regulation, conformance with or adherence to Standards and Recommended Practices (SARPs), procedures and good aviation safety practices.

Cabin crew member. A crew member who performs, in the interest of safety of passengers, duties assigned by the operator or the pilot-in-command of the aircraft, but who shall not act as a flight crew member.

Certified aerodrome. An aerodrome whose operator has been granted an aerodrome certificate.

Charge. A levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation.

Civil aviation authority. The governmental entity or entities, however titled, that are directly responsible for the regulation of all aspects of civil air transport, technical (i.e. air navigation and aviation safety) and economic (i.e. the commercial aspects of air transport).

Commercial air transport operation. An aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire.

Crew member. A person assigned by an operator to duty on an aircraft during a flight duty period.

Dangerous goods. Articles or substances that are capable of posing significant risk to health, safety or property when transported by air.

Note.— Dangerous goods are classified in Chapter 3 of Annex 18 — The Safe Transport of Dangerous Goods by Air.

Flight crew member. A licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period.

General aviation operation. An aircraft operation other than a commercial air transport operation or an aerial work operation.

Human Factors principles. Principles which apply to aeronautical design, certification, training, operations and maintenance, and which seek safe interface between the human and other system components by proper consideration to human performance.

Human performance. Human capabilities and limitations that have an impact on the safety, security and efficiency of aeronautical operations.

Inspection. The basic activity of an audit, which involves examination of the specific characteristics of the safety oversight programme of the Contracting State (*Safety Oversight Audit Manual* (Doc 9735)).

Inspector. A person trained and authorized to undertake inspections.

Investigator (of an accident or incident). A person charged, on the basis of his or her qualifications, with the responsibility to participate in the conduct and control of an investigation.

Operations manual. A manual containing procedures, instructions and guidance for use by operational personnel in the execution of their duties.

Operator. A person, organization or enterprise engaged in or offering to engage in the operation of an aircraft, aerodrome or associated aviation activity.

Persona. In legal terms, a person or an association of people or special-purpose funds (e.g. a foundation) having a legal personality and possessing legal capacity.

Public use aerodrome. An aerodrome licensed to be available to all persons on equal terms and conditions for the take-off or landing of aircraft.

Regulation. The giving of authoritative direction to bring about and maintain a desired degree of order.

Note.— For the purpose of this manual, this term includes but is not limited to instructions, rules, edicts, directives, and sets of laws, requirements, policies and orders.

Responsibility/accountability. The state of being responsible for an undertaking, person, thing or action and for which an organization or individual or both are liable to be called to account. An ICAO Contracting State and its respective civil aviation authority are ultimately responsible for the implementation of ICAO SARPs within their State. A State may either perform these obligations or, through mutual agreement, have another organization perform and be accountable for these functions; however, the State retains the responsibility under its duties of sovereignty.

Risk analysis/aeronautical study. A mechanism, part of a safety management system, used to assess the risk (combination of event or hazard severity and probability of occurrence) posed by a particular set of circumstances. It is used to compare the outcome of such an analysis against the intended outcome of a particular Standard, Recommended Practice or national requirement so that a solution can be selected that will not degrade safety below that which is intended.

Safety management system (SMS). A systematic approach to managing safety, including the necessary organizational structure, accountability, policies and procedures within the service providers.

Service provider. An organization, serving operators and other providers, that is part of the aviation activity and is functionally separated from its regulator.

State of Design. The State with jurisdiction over the organization responsible for the type design.

State of Manufacture. The State with jurisdiction over the organization responsible for the final assembly of the aircraft.

State of Occurrence. The State in whose territory an accident or incident occurs.

State of Registry. The State on whose register the aircraft is entered.

State of the Operator. The State where the operator's principal place of business is located or, if there is no such place of business, where the operator's permanent residence is.

State safety programme (SSP). An integrated set of regulations and activities aimed at improving safety. The SSP supports the implementation of SMS by the service providers.

Subsidiary legislation. Legislation arising from primary legislation.

Tax**.** A levy that is designed to raise national or local government revenues, which are generally not applied to civil aviation in their entirety or on a cost-specific basis.

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LIST OF ACRONYMS AND ABBREVIATIONS

AGA	Aerodromes, air routes and ground aids
AIR	Airworthiness
ALoS	Acceptable level of safety
ANSP	Air navigation service provider
AOC	Air operator certificate
CAA	Civil aviation authority
CAST	Commercial aviation safety team
CEO	Chief executive officer
CIS	Cooperative inspectorate scheme
CMA	Continuous monitoring approach
CMO	Continuous monitoring and oversight
COSCAP	Cooperative Development of Operational Safety and Continuing Airworthiness Programme
CSA	Comprehensive systems approach
DGCA	Director General of Civil Aviation
EASA	European Aviation Safety Agency
ECCAIRS	European coordinated centre for accident and incident reporting systems
ED	Executive director
EEA	European Economic Area
EFTA	European Free Trade Association
ESSI	European strategic safety initiative
EU	European Union
GASP	Global aviation safety plan
GNP	Gross national product
GSI	Global safety initiative
ICAO	International Civil Aviation Organization
IFFAS	International Facility for Aviation Safety
IMS	Integrated management system
IT	Information technology
LOU	Letter of Understanding
MOC	Memorandum of Cooperation
MSA	Management service agreement
OPS	Operations
PAAST	Pan-American aviation safety team
PASO	Pacific Aviation Safety Office
PEL	Personnel licensing
QMS	Quality management system

RAIO	Regional accident and incident investigation organization
RASG	Regional aviation safety group
RAST	Regional aviation safety team
RBM	Results-based management
RSOO	Regional safety oversight organization
RSP	Regional safety programme
SARPs	Standards and Recommended Practices
SMM	Safety management manual
SMS	Safety management system
SRM	Safety risk management
SSP	State safety programme
SWOT	Strengths, weaknesses, opportunities, threats
TAC	Training administrative coordinator
TCP	Technical Cooperation Programme
USOAP	Universal Safety Oversight Audit Programme
USP	Unified strategy programme

PUBLICATIONS

The following ICAO publications are referred to in this manual and provide additional guidance material for the certification and surveillance of air transport operators.

Conventions and Related Acts

Convention on International Civil Aviation (Doc 7300)

Annexes to the Convention on International Civil Aviation

Annex 1 — *Personnel Licensing*

Annex 2 — *Rules of the Air*

Annex 3 — *Meteorological Service for International Air Navigation*

Annex 4 — *Aeronautical Charts*

Annex 5 — *Units of Measurement to be Used in Air and Ground Operations*

Annex 6 — *Operation of Aircraft*
- Part I — *International Commercial Air Transport — Aeroplanes*
- Part II — *International General Aviation — Aeroplanes*
- Part III — *International Operations — Helicopters*

Annex 7 — *Aircraft Nationality and Registration Marks*

Annex 8 — *Airworthiness of Aircraft*

Annex 10 — *Aeronautical Telecommunications*
- Volume I — *Radio Navigation Aids*
- Volume II — *Communication Procedures including those with PANS status*
- Volume III — *Communication Systems*
- Volume IV — *Surveillance and Collision Avoidance Systems*
- Volume V — *Aeronautical Radio Frequency Spectrum Utilization*

Annex 11 — *Air Traffic Services*

Annex 12 — *Search and Rescue*

Annex 13 — *Aircraft Accident and Incident Investigation*

Annex 14 — *Aerodromes*
- Volume I — *Aerodrome Design and Operations*
- Volume II — *Heliports*

Annex 15 — *Aeronautical Information Services*

Annex 16 — *Environmental Protection*
Volume I — *Aircraft Noise*
Volume II — *Aircraft Engine Emissions*

Annex 17 — *Security*

Annex 18 — *The Safe Transport of Dangerous Goods by Air*

Assembly Resolutions

Assembly Resolutions in Force (as of 8 October 2010) (Doc 9958)

Manuals and Circulars

Airport Economics Manual (Doc 9562)

ICAO's Policies on Charges for Airports and Air Navigation Services (Doc 9082)

ICAO's Policies on Taxation in the Field of International Air Transport (Doc 8632)

International Civil Aviation Vocabulary (Doc 9713)

Manual on Air Navigation Services Economics (Doc 9161)

Manual on Regional Accident and Incident Investigation Organization (Doc 9946)

Safety Management Manual (SMM) (Doc 9859)

Safety Oversight Audit Manual (Doc 9735)

Safety Oversight Manual (Doc 9734)
Part A — *The Establishment and Management of a State's Safety Oversight System*

Training Manual (Doc 7192)

Other Manuals

Global Aviation Safety Roadmap
Part 1 — *A Strategic Action Plan for Future Aviation Safety*
Part 2 — *Implementing the Global Aviation Safety Roadmap*

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Chapter 1

INTRODUCTION

1.1 OBJECTIVES OF THE MANUAL

1.1.1 The objective of Part B of the *Safety Oversight Manual* is to provide guidance for States wishing to establish and/or participate in an RSOO. Establishing an RSOO, as well as ensuring its sustainability, entails the adoption of a regional strategy, bringing together the efforts of member[1] States, international and regional organizations, and other aviation stakeholders.

1.1.2 The audits conducted under the ICAO Universal Safety Oversight Programme (USOAP) and other ICAO missions have determined that many Contracting States have not established effective safety oversight, thereby creating the risk for unsafe conditions. The establishment of effective safety oversight by the State requires both a high-level government commitment and an adequate level of resources. Without political commitment, a Contracting State cannot fully fulfil its aviation safety-related responsibilities. However, in the case of many States, even if the State is fully committed to resolving its safety oversight deficiencies, low levels of aviation activity within the State and competing demands on public resources may severely limit the level of funding available to national aviation safety and safety oversight bodies.

1.1.3 The audit results and other sources of information have therefore convinced ICAO that for many States a viable means of ensuring effective safety oversight is through the pooling of resources for the purpose of establishing an RSOO. ICAO is committed to assisting Contracting States to establish and manage RSOOs and to provide the related guidance material. This becomes all the more relevant given the role that RSOOs are expected to play in recently introduced programmes, such as the ICAO USOAP continuous monitoring approach (CMA) audit process, regional aviation safety groups (RASGs) and the development of regional and subregional safety programmes to support safety programmes at the State level, and safety management systems at the level of industry. Through effective participation in these programmes, RSOOs will be even more instrumental in strengthening the safety oversight systems of their member States and in the implementation of risk mitigation strategies and processes within their respective regions and subregions.

1.1.4 The challenges of implementing ICAO SARPs have been recognized by many international forums. The Directors General of Civil Aviation Conference on a Global Strategy for Safety Oversight (2006), the 36th Session of the ICAO Assembly (2007), the EC-ICAO Symposium on Regional Organizations (2008), the ICAO Council Group on Regional Bodies (2009), the High-Level Safety Conference (2010), and the 37th Session of the ICAO Assembly (2010) have all promoted the establishment of regional mechanisms for the sharing of aviation safety resources and harmonization of regional safety policies and procedures to achieve a sustainable safety oversight capability at a global level.

1.2 ABOUT THE MANUAL

1.2.1 Part A of this manual — *The Establishment and Management of a State's Safety System* outlines the duties and responsibilities of ICAO Contracting States to the Chicago Convention with respect to aviation safety

1. For the purposes of this manual, "member" State denotes a State belonging to an RSOO, and "Contracting" State denotes a State that is signatory to the Chicago Convention.

oversight and identifies eight critical elements that are considered to be essential components of a safety oversight system, as follows:

- Critical Element 1: Primary aviation legislation;
- Critical Element 2: Specific operating regulations;
- Critical Element 3: State civil aviation system and safety oversight functions;
- Critical Element 4: Technical personnel qualification and training;
- Critical Element 5: Technical guidance, tools and the provision of safety-critical information;
- Critical Element 6: Licensing, certification, authorization and approval obligations;
- Critical Element 7: Surveillance obligations; and
- Critical Element 8: The resolution of safety concerns.

1.2.2 With respect to Critical Element 3, i.e. the State civil aviation system and safety oversight functions, the lack of an adequate safety oversight organization and a sufficient number of adequately qualified, experienced and trained technical staff are amongst the most common deficiencies identified in many of the audited States. States that are otherwise unable to harness the resources required for setting up an effective safety oversight mechanism on a national basis are encouraged to pool their resources with other States in the subregion for the purpose of establishing an RSOO.

1.2.3 Chapter 2 of this manual covers the need for a regional strategy for the establishment of an RSOO and the steps to be taken in its development. It proposes the adoption of a project management method as one approach to the development of an RSOO in order that account is taken of the needs of member States and that proper control is maintained over the cost and scheduling of the development process. Chapter 3 presents the various factors that are relevant to determining the most suitable legal framework for an RSOO, bearing in mind that its legal foundation should in part, correspond to its objectives. Chapter 3 also presents a number of options derived from the experience gained through already established RSOOs. Chapter 4 outlines the factors that need to be taken into consideration in determining the best organizational structure for an RSOO. Furthermore, it outlines, in detail, the duties and responsibilities of the RSOO's governing body and the different staff positions within an RSOO.

1.2.4 Chapter 5 provides detailed guidance on various alternatives for financing an RSOO. The chapter covers ICAO's current policies on user charges and taxation and their relevance for the funding of RSOOs. It also offers different forms and sources of funding for RSOOs and concludes with a practical approach for establishing sustainable funding solutions. Chapter 6 reviews performance-driven or results-based management (RBM) strategies and quality management systems (QMS) to enhance the effectiveness of an RSOO. It also introduces the concept of an integrated management system (IMS) that some RSOOs have applied in order to meet a diverse range of management requirements and standards related to safety and quality. Chapter 7 covers the implementation of a regional safety programme (RSP), applying the concepts developed for the implementation of a State safety programme (SSP) to similar requirements at the level of a region or subregion. Chapter 8 covers the training programme of an RSOO in terms of training policies and objectives and training programmes, process and requirements. It also provides guidance on the maintenance of training records, training evaluations and competence requirements.

1.2.5 There are four appendices to this manual. Appendix A provides an example of an actual RSOO agreement document. Appendix B presents examples of the organizational structures of three existing RSOOs. Appendices C and D provide a sample table of contents from an RSOO policy and procedures manual and a training policy and procedures manual, respectively.

Chapter 2

THE ESTABLISHMENT OF A REGIONAL SAFETY OVERSIGHT ORGANIZATION

2.1 THE NEED TO DEVELOP AN RSOO

2.1.1 The Convention on International Civil Aviation (Chicago Convention) and its Annexes allocate responsibility for aviation safety to individual Contracting States. Each State bears responsibility for the continuing airworthiness of aircraft; safe and efficient aircraft operations; the licensing and/or certification of personnel; and safe air traffic flow within its airspace, including the provision of air traffic services and an adequate aerodrome infrastructure. Without full awareness and observance of these international obligations by Contracting States, aviation safety may be compromised. However, in spite of a large number of initiatives over several decades, by ICAO, other international organizations, individual Contracting States and industry stakeholders, to improve civil aviation safety in many regions, a number of States have failed to establish the capability for effective safety oversight.

2.1.2 Several Contracting States audited by ICAO either have not promulgated primary aviation legislation and/or operating regulations, or their existing aviation legislation and regulatory requirements are out of date. As a consequence, they fail to provide the necessary legal foundation for civil aviation to function effectively. With respect to institutional structure, many Contracting States have not granted the civil aviation authority (CAA) sufficient autonomy and authority for the regulation and oversight of civil aviation activities. Experience shows that CAAs are more successful when they are autonomous and have adequate resources to ensure independence and sustainability. A consistent and adequate budget is essential to ensure the recruitment and retention of qualified personnel. However, in several States, even if there is the commitment to establish an autonomous CAA, the level of aviation activity within the State may not be sufficient to generate the funding required to sustain an effective safety oversight capability.

2.1.3 As identified by USOAP audits, the most common reason a State fails to establish an effective safety oversight capability is its inability to provide the required financial and human resources. There is often an insufficient number of qualified personnel available for States to fulfil their safety oversight responsibilities. In addition, due to a lack of financial resources, training may not be adequate to ensure the currency and competency of technical personnel.

2.1.4 Furthermore, the scope or volume of oversight activities may not warrant full-time technical experts, or the State remuneration structure may not support the appropriate financial compensation of such experts. Low levels of aviation activity coupled with competing demands for State resources may result in inadequate allocation of resources for a State's aviation safety oversight activities and programmes. In regions where these problems occur, States may therefore consider that the most viable solution is for them to pool their resources for the establishment of a regional system that can conduct safety oversight tasks and functions on their behalf. This has led ICAO to conclude that regional or subregional safety oversight organizations are an effective means of overcoming these deficiencies through shared objectives, strategies and activities. Most importantly, the pooling of resources enables the RSOO to attract, recruit and retain appropriately qualified and experienced personnel.

2.1.5 For several States, apart from the pooling of resources, cooperation through the establishment of an institutionalized regional body also enables the harmonization and standardization of safety oversight requirements. Pursuant to Article 37 of the Chicago Convention, each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures and organization in relation to aircraft,

personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation. For several States, the most effective method of attaining this goal and ensuring that they have a common voice with respect to the implementation of international standards is through membership of an RSOO.

2.1.6 Success in the establishment and sustained operation of an RSOO is dependent on the commitment of its member States to the terms and conditions contained in the RSOO's governing document. This extends to the need to maintain a well-defined balance between the responsibilities of member States and those of the RSOO. The uniform application by Contracting States of the provisions contained in the ICAO SARPs is recognized as necessary for the safety and regularity of international civil air transportation. It is the obligation of each State to approve and maintain regulations and the supporting procedures in order to implement the ICAO SARPs within the State. The RSOO may assist its member States by developing a generic set of civil aviation legislation and regulations for member States to adapt and use to harmonize their own national legislation and regulations. In this fashion, safety oversight within a specific region is considerably facilitated through the harmonization of regulations. In similar fashion, the RSOO may develop a set of implementing standards and procedures in support of the harmonized regulations.

2.1.7 In other cases, where the region concerned has a common legislative body, member States of an RSOO have gone a step further from harmonization and have adopted common civil aviation requirements. Such is the case in Europe where the civil aviation law, or Basic Regulation (Regulation (EC) 216/2008), was adopted by the European Parliament and the Council of the European Union, under the Treaty establishing the European Community (EC). The Basic Regulation established the European Aviation Safety Agency (EASA) as an RSOO with its own legal personality and the authority to implement European Union aviation safety laws with shared enforcement and oversight powers with the European Commission and European Union member States. EASA develops proposals for common implementing rules for adoption by the European Commission and may, itself, adopt non-binding regulatory material for giving effect to the Basic Regulation and the implementing rules. Under the Community institutional system, implementation of community law is primarily the responsibility of member States. Licensing, certification, authorization and approval tasks required by the Basic Regulation and its implementing rules are therefore to be executed at the national level. In certain clearly defined cases, however, EASA is also empowered to conduct certification and approval tasks.

2.1.8 Under the Chicago Convention, only the State has responsibility for safety oversight, and this responsibility may not be transferred to a regional body. Thus, although the State may delegate specific safety oversight tasks and functions to an RSOO, such as inspections for the certification of an operator, the State must still retain the minimum capability required to carry out its responsibilities under the Chicago Convention. States must always be able to properly and effectively monitor the safety oversight functions delegated to the RSOO.

2.1.9 A strategy should therefore include a comprehensive analysis of the modalities for the management and supervision of the RSOO. States need a system for monitoring identified aviation safety deficiencies and the timely application of well-defined corrective measures. The States also require a process to monitor the activities of the RSOO in order to ensure its effectiveness. Collaboration between the State CAA and the RSOO is essential in order to ensure that the needs of the State are supported by the RSOO and for the State to ensure that the RSOO is effectively accomplishing its mandate.

2.1.10 Thus, right from the outset, States within a specific region need to decide on the legislative and regulatory framework that will govern aviation safety with respect to whether it will be based on the adoption of a harmonized or common set of requirements. They then need to determine the role to be played by their RSOO in relation to the development, adoption, promulgation and enforcement of civil aviation legislation and regulations and the development of implementing standards, procedures and other guidelines. These are some of the important considerations that must be made in devising a strategy for the establishment and maintenance of an RSOO.

2.1.11 Use of a harmonized or common set of civil aviation legislation and regulations and procedures does not constitute, in any way, the use of less stringent standards. On the contrary, the aim is to standardize the criteria to be implemented by RSOO member States to achieve compliance with international provisions. As a result, the level of air transport safety in the region should be significantly raised. Standardization will also improve the safety oversight

capability of States by harmonizing training and providing a broader expertise base throughout the region. Furthermore, it will have an overall positive impact on aviation operations in the region since cooperation between aviation entities, and the free flow of aviation services, personnel and products will be greatly facilitated by the existence of a harmonized or common set of regulations.

2.2 A STRATEGY FOR ESTABLISHING AN RSOO

2.2.1 It is important that States wishing to establish an RSOO commit themselves, at the very beginning of the process, to a strategy that is well defined in terms of the intended purpose and objectives of the organization they wish to establish. The strategy should therefore include a comprehensive analysis of the needs of the States involved and of the region or subregion as a whole, and of the benefits to be derived from establishing an RSOO. Such an analysis will help to define the scope of objectives and related activities of the RSOO. In this respect, the emphasis should be on those activities that have an impact on regional safety oversight and that contribute towards developing an effective aviation safety oversight framework and associated mechanisms.

2.2.2 In general, the scope of activities of an RSOO will depend on the needs of its member States, the established priorities and the level of resources devoted to the RSOO. A balance therefore has to be maintained between, on the one hand, the needs and priorities of States and, on the other hand, the level of resources that are made available for both the establishment and sustained operation of the RSOO. In practice, this often means that a strategy is adopted whereby the scope of activities to be carried out by the RSOO during its initial phase of operation is limited to the harmonization of flight safety legislation and regulations and the conduct of related oversight and not other matters such as those related to the licensing of personnel and the certification and surveillance of operators and aircraft. As the RSOO becomes more established, and its competencies and funding are strengthened, the scope may be widened to include other areas of safety oversight, such as the certification and surveillance of aerodromes and air navigation facilities and even security oversight.

2.2.3 States need to focus on those activities that demonstrate a higher impact on regional safety oversight and contribute towards developing an effective aviation safety oversight framework. However, it is also important that, in developing a strategy, consideration should be given to the contribution of an RSOO to the improvement of the wider economic, social and environmental sectors of its member States. ICAO and other international bodies may assist in the formulation of the strategy and the establishment of a regional arrangement.

2.2.4 In order to determine the needs of States with respect to their safety oversight systems, a gap analysis can be carried out, using the results of the ICAO USOAP audits and other audits and sources of information. The ICAO USOAP audits in particular have generated a lot of information on the safety oversight status of States. These audits show that a significant number of Contracting States are experiencing problems in implementing ICAO SARPs, recruiting qualified and experienced personnel and, in general, fulfilling their safety oversight obligations. Since the ICAO SARPs are designed to ensure, *inter alia*, a minimum level of safety for international civil aviation, the lack of implementation of the SARPs threatens the safety of civil aircraft operations.

2.2.5 The adoption of a strategy that includes the conduct of a gap analysis will also help to determine the level of authority that member States wish to delegate to their RSOO with respect to the different tasks and functions to be carried out. As such, right from the outset, and given the political, social and economic characteristics of the region, States need to decide on the legislative and regulatory framework that will govern aviation safety at the regional level. This will involve a number of choices, such as whether the requirements governing safety oversight in each State should be based on a common regulatory structure for the region or on harmonizing the different sets of national legislation and regulations adopted and promulgated by each State. This, in turn, will determine the role to be played by the RSOO in the development, adoption, promulgation, implementation and enforcement of the applicable provisions and the development of supporting standards, procedures and guidance material.

2.2.6 Decisions on the needs to be served by the RSOO, its objectives and the level of authority to be delegated by member States will also have an impact on the form and size of the organization. Existing RSOOs have taken a variety of forms, ranging from a relatively loose association of CAAs that have agreed to cooperate in the development and implementation of requirements and procedures, to an intergovernmental organization with regulatory and, to some extent, enforcement authority. The form that an RSOO takes will primarily be determined by the needs of its members, the level of available resources, the scope of activities, the level of authority delegated by member States and, in certain cases, the legislative framework already established by the group or community of States creating the RSOO. In order for all these factors to be taken into account, it is important that the establishment of an RSOO is preceded by a thorough analysis of the need for an RSOO and a clear definition of its mandate.

2.2.7 In addition, for an RSOO to be effective, its development should follow a well-structured process or method which will ensure that stakeholders' expectations are carefully considered in relation to the RSOO's objectives. In general terms, a strategy for the establishment of an RSOO should empower member States to determine their own priorities within a regional perspective and also enable the securing of donor support for the establishment and later implementation of an effective safety oversight system. Furthermore, the strategy should address concerns about the need to maintain cost and scheduling control over the establishment and management of the RSOO.

2.2.8 The key objective of a regional strategy is to improve the effectiveness of regional cooperation by ensuring that the targeted priorities reflect genuine critical needs that can be met in a more cost-effective manner, through a joint and cooperative use of resources. In responding to the needs of any specific region, the strategy adopted for establishing an RSOO should therefore aim to:

a) prioritize the effective and efficient implementation of safety oversight;

b) pool human and financial resources;

c) address regional and external factors and constraints more effectively as a collective body;

d) strengthen cooperation and collaboration among member States with respect to the collection, analysis and sharing of safety data and information within the region;

e) supplement shortfalls in the scope of national or bilateral safety interventions;

f) provide support to industry in order to ensure it demonstrates compliance with regulatory requirements;

g) identify and support the development of best practices within the region;

h) demonstrate, as a responsible regional organization, improved regional solidarity;

i) ensure the objectivity and independence of inspectors; and

j) develop the capability for drafting and amending civil aviation legislation and regulations, procedures and other guidance material as well as for producing clearer standards, based on international requirements and adapted to regional environmental factors and aviation industry needs.

2.3 RSOO DEVELOPMENT PROCESS

2.3.1 Effective implementation of an RSOO requires a firm commitment at the highest level of government and the active involvement of aviation safety stakeholders, including industry. A strong regional partnership and cooperation are two of the prerequisites needed to develop and integrate efforts to improve regional aviation safety oversight.

Contracting States of a specific region can enhance their aviation safety oversight capability by working together in the performance of safety oversight tasks. It is important that States wishing to establish an RSOO within an overall regional safety system commit themselves, at the very beginning of the process, to a strategy that is well defined in terms of the intended purpose and objectives of the organization they wish to establish. For the successful implementation of a regional safety strategy, it is crucial that its goals incorporate State safety priorities. An RSOO should relate to, complement, supplement and strengthen national CAA safety programmes.

2.3.2 In order for an RSOO to be effective, its development should follow a well-structured process or method. The application of a structured project management method is one way of ensuring that the establishment of the RSOO is predicated upon a proper planning process that takes account of the expectations of all stakeholders with respect to the RSOO's objectives. It would also provide for effective monitoring and control through all the different phases of development, in particular in relation to costs, timescales and the benefits to be derived from the RSOO. For this purpose, various project management methods may be used of which two of the most widespread are the Project Management Institute's (PMI) Project Management Body of Knowledge (PMBOK), used in North America, and the second edition of the PRoject IN Controlled Environments (PRINCE2), which is predominantly used in Europe. In some cases, these two methods have been successfully integrated to form a single hybrid method for developing and managing projects.

2.3.3 Adopting a project management method for the development of an RSOO would entail the appointment of a project manager and team that would carry out the daily work needed for developing the framework of the RSOO. The project team could meet, on a regular basis, with a task force or committee composed of State representatives so as to ensure that States play an active role in the development of the RSOO. The committee would review reports and other documents developed by the project team prior to their submission for approval by the governing body for the project. This arrangement would also ensure an exchange of information and feedback between States and the project team essential for the successful establishment of the RSOO.

2.3.4 One of the first steps in committing to the establishment of an RSOO is approving the process or steps that need to be taken in its development. Typically, this can be done by the signing of an agreement (either a Memorandum or Letter of Understanding) by all the parties involved in the project. In the case of States, the agreement should be signed by the most senior representatives of the State, as determined by constitutional requirements, thus demonstrating political commitment at an appropriate level of government. The agreement should outline the benefits of an RSOO and the responsibilities of the different parties involved in its establishment, provide justification for its establishment and list any constraints that may affect the project. The agreement should also identify the project deliverables, including the legal, organizational and financial frameworks of the organization, and supporting documents such as regulations, procedures, handbooks and other guidance material. An example of an actual contract, in the form of a Letter of Understanding, can be found in Appendix A.

2.3.5 Planning for the RSOO should, from the outset, involve the carrying out of feasibility studies and safety oversight audit reviews during which relevant data and information are collected from States on the nature and level of aviation activity in the region, the safety oversight capabilities of the States and their accident and incident record. The information and data will be used to carry out different sorts of analyses, including an analysis of the strengths, weaknesses, opportunities and threats prevalent in the region to be served by the RSOO. In addition, as mentioned earlier, a gap analysis or an analysis of stakeholders' needs should be performed in order to refine the scope of RSOO activities. A financial analysis to determine availability of resources within the region, a cost/benefit and risk analysis may also be carried out. The planning phase assists in managing the expectations of States and stakeholders in terms of the responsibilities and authority of the RSOO.

2.3.6 The objectives of an RSOO are to support the licensing, certification, authorization, approval and surveillance of civil aviation activities within its member States and improve aviation safety within the region. The aim of following a structured project management approach in the establishment of the RSOO is to ensure that, ultimately, the RSOO meets its objectives. At the same time, however, the full functionality of the RSOO will always principally depend upon the availability of resources and the commitment of member States.

2.3.7 Ultimately, the development of an RSOO in accordance with a well-structured method ensures that a number of fundamental guiding principles are applied, including the need to:

a) take into account the requirements and inputs of the RSOO's member States via the conduct of a gap analysis and a review of safety oversight audit results;

b) take into account regional environmental factors, including political, legal, economic and social factors, through the conduct of a SWOT analysis and other types of evaluation such as impact and risk analyses;

c) ensure compliance with ICAO provisions and international best practices;

d) provide a formal legal basis for the RSOO;

e) provide for the separation of safety oversight and aircraft accident investigation functions, as well as of service provision and safety oversight functions, and ensure that inspections carried out in member States are not subject to political or other forms of interference or pressure;

f) ensure that an effective and efficient organizational structure is developed at minimum cost; and

g) enable a level of funding for the RSOO that will provide for the sustainability of operations without being entirely dependent on donor support.

2.3.8 The RSOO should have a clearly defined mission statement that reflects its objectives and mandate as contained in the agreement document. The mission statement will depend on the duties and responsibilities agreed upon for the RSOO for the provision of advice and assistance to member States. The mission statement should contain elements to enable member States to implement an effective and efficient safety oversight system. In addition, the mission statement should provide for the implementation of common procedures and documentation relating to safety oversight and requiring member States to standardize their processes and procedures for licensing, certification, authorization, approval and surveillance of the aviation industry as applicable to the mandate of the RSOO and on the basis of international obligations.

2.3.9 A regional arrangement for safety oversight requires an effective and efficient institutional structure that, at a minimum, should be composed of legal, organizational and financial frameworks and a business model that provides for sustainable funding. Chapter 3 therefore addresses the RSOO's legal framework, and Chapter 4 addresses matters relating to the organizational structure of an RSOO. Chapter 5 considers the financial arrangements that can be put in place in order to ensure adequate funding for the RSOO's establishment and its long-term sustainability.

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Chapter 3

THE LEGAL FRAMEWORK OF A REGIONAL SAFETY OVERSIGHT ORGANIZATION

3.1 RELEVANT FACTORS FOR AN RSOO'S LEGAL FRAMEWORK

3.1.1 In accordance with ICAO Assembly Resolution A37-8 an RSOO should foster collaboration on the part of its member States to develop solutions to common problems in building State safety oversight capabilities. An adequate legal framework should therefore include an agreement acceptable to all potential member States, which meets their common operational safety oversight needs. In this respect, the objective and purpose of an RSOO should, at the very least, include expert advisory and consultative services in safety oversight matters and the provision of technical assistance. The execution of safety oversight functions on behalf of member States may also be an objective of the RSOO. In States where human and financial resources are insufficient to perform efficient safety oversight, all three of these activities are central to the purpose of the RSOO. In particular, the execution of safety oversight functions on behalf of member States by the RSOO provides the best dividend in terms of efficiency and the effective use of resources.

3.1.2 Execution, by an RSOO, of certain tasks and functions on behalf of its member States requires delegation of authority to the RSOO. Delegation of authority by a member State to its RSOO does not legally require the RSOO to be structured in a specific way and involves only the delegation of functions, not responsibilities. Under the Chicago Convention, safety oversight remains the responsibility of the State even if the associated tasks and functions are delegated to another entity.

3.1.3 When developing a legal and institutional framework for an RSOO, it is however important to bear in mind not only the needs of member States and the objectives and purpose to be served by the RSOO, but the best framework for enabling delegation of authority to the RSOO by member States and for obtaining the firm commitment of States to the RSOO and its long-term sustainability. As will be seen in 3.2, certain options for the development of legal and institutional frameworks provide for these factors better than others.

3.2 OPTIONS FOR THE DEVELOPMENT OF AN RSOO'S LEGAL FRAMEWORK

3.2.1 Several factors, some of which are particular to the region or subregion to be served by the RSOO, will influence the legal form of the RSOO. Apart from the needs of the member States themselves, factors related to the economic and political context of the region and the constitutional foundation of member States will undoubtedly have an impact on the type of RSOO that is to be established. With respect to already established RSOOs, the options tend to range from relatively informal arrangements, such as the ICAO COSCAP projects, to fully-fledged regional intergovernmental organizations, which have been established on the basis of much more formal multilateral treaties and agreements.

COSCAP project/programme documents and the Memorandum of Cooperation (MOU/MOC)

3.2.2 At present, COSCAPs are set up as cooperative subregional projects under the auspices of ICAO with the objective of improving aviation safety, including aircraft accident prevention, and enhancing the safety oversight capabilities of member States. In general, their mandate allows for the provision of those services that define an RSOO, i.e. the provision of expert advisory and consultative services and technical assistance in safety oversight matters and the execution of safety oversight functions on behalf of their members.

3.2.3 The institutional structure of a COSCAP is laid down in either a project or programme document that contains details on the objectives of the project, its governance in terms of the establishment of a steering committee, sources of funding and the respective duties and responsibilities of all the parties, including the member States and ICAO. The project/programme document is, in some cases, preceded by a Memorandum of Understanding that is signed by all the member States and declares the intent to establish a COSCAP. In other cases, the project document/ programme document may be appended to a Protocol Agreement or to an MOC signed by States, or their representative body, and ICAO. In some instances, the project/programme document will include a clear objective for transitioning the COSCAP into a more formalized safety oversight body.

3.2.4 There are cases where, with respect to the COSCAP, no binding agreement was initially established between the member States, and the project/programme document did not provide for the establishment of a more formalized body. Efforts have subsequently been made to strengthen the legal and institutional framework of the COSCAP through the signing of an Institutional Framework Agreement or MOC. The MOC enables the COSCAP to perform the functions of an RSOO more effectively and provides a means of securing more sustainable funding.

3.2.5 Therefore, even COSCAPs may, to some degree, differ from each other in terms of their legal framework and institutional structure, depending on the characteristics of the regions in which they are established. Irrespective however of the differences, all COSCAPs essentially remain projects that depend on ICAO for managerial and administrative services that may typically include the preparation of staff contracts, the opening of bank accounts and financial management. The COSCAP can function only in association with ICAO, does not have a legal personality and therefore cannot conclude agreements with other entities, such as funding agencies, in its own right. The project/ programme documents and MOCs on which COSCAPs are based are relatively informal agreements that allow for some flexibility, but they are less binding with respect to internal approvals since they do not provide for the firm legal obligations that derive from more formal agreements.

3.2.6 The MOC has been described as a document that expresses a convergence of will between the parties, indicating an intended common line of action. It is often used in cases where parties do not imply a legal commitment or in situations where the parties cannot conclude a legally enforceable agreement. In this respect, it most often precedes a more formal institutionalizing agreement. Such was the case with the thirteen member States of the Caribbean Community (CARICOM) that in 2001 established the Regional Aviation Safety System (RASOS) on the basis of an MOC. This paved the way for the signing of a much more binding agreement by Heads of State that provided for the transitioning of RASOS to the Caribbean Aviation Safety and Security Oversight System (CASSOS), as an institution of the Community with full legal personality.

3.2.7 There are other examples where informal, less binding agreements, such as MOCs, served as the basis for establishing RSOOs and were then followed up by the subsequent conclusion of more formalized agreements or treaties. One such example is the COSCAP for the Banjul Accord Group of States (COSCAP-BAG) that later evolved into the Banjul Accord Group Aviation Safety Oversight Organization (BAGASOO). In the case of Latin America, a COSCAP was created in 1995, which evolved, with the signing of an MOU between the Latin America Civil Aviation Commission and ICAO, into the creation of the Regional Cooperation System on Safety Oversight in Latin America (SRVSOP). A further example is the European Joint Aviation Authorities (JAA) that later led to the establishment of the European Aviation Safety Agency (EASA). The Cyprus Arrangements that were signed in 1990 had the same purpose

as an MOC in establishing the JAA as a cooperative body with no legal powers. This was subsequently superseded by a more formal agreement — Regulation (EC) No. 1592/2002 — which was adopted by the European Parliament and the Council of the European Union on 15 July 2002, as the basis for the establishment of the European Aviation Safety Agency (EASA).

Regional international organization

3.2.8 The establishment of an RSOO as a regional international organization on the basis of a formal international agreement or treaty is seen as the preferred option for securing the strengthened commitment of its member States and the more long-term sustainability of the RSOO itself. Usually this entails the conclusion of a multilateral treaty at a diplomatic conference and the subsequent ratification of the treaty or agreement by States in the region that wish to join the RSOO. Such an agreement may enter into force only after it has been ratified by a specified number of States. An example of this option is the Pacific Aviation Safety Office (PASO) that was established on the basis of a decision of the Pacific Forum Minister's Meeting in 1998. This led to the opening of the Pacific Islands Civil Aviation Safety and Security Treaty (PICASST) in 2004 and its subsequent entry into force in 2005 upon ratification by five of the ten member States.

3.2.9 Another example of an RSOO that was established on the basis of an international agreement that subsequently had to be ratified is the Civil Aviation Safety and Security Oversight Agency (CASSOA). The international agreement was a Protocol that formed part of the Treaty for the Establishment of the East African Community. It was signed in 2007, thus establishing the agency as an institution of the Community. The advantage of such types of agreements is that the established organizations have their own legal personality, meaning that they can accept and receive, in their own name, delegation of safety-related functions from member States and can act as a joint agency in carrying out safety oversight tasks on behalf of all their member States. A major advantage of adopting this option is that it allows the RSOO to provide for its own funding through the collection of fees and charges and to directly negotiate with funding agencies, lending institutions and donor parties for loans and grants.

3.2.10 There are however disadvantages in setting up an RSOO on the basis of a formal agreement that must be ratified by States. In the case of CASSOA, ratification was completed within two years of the signing of the agreement. However, the agency was able to start operations within two months of the signing of the protocol that established it as a specialized technical institution of the East African Community. The process can otherwise be lengthy and costly. The preparation of a treaty text acceptable to all interested parties, involving the entity in which power is vested for foreign affairs, and the adoption and ratification phase can require two to five years, and likely longer. In the case of PASO, for example, seven years separated the decision to establish the organization and the entry into force of the PICASST in 2005.

Making use of an existing regional agreement

3.2.11 If the agreement establishing an RSOO is annexed to, or subsumed under, another agreement, it may be possible to avoid the need for ratification, thus expediting its coming into force and the implementation of the RSOO. There are a number of examples where an agreement for the establishment of a regional economic and/or political community of States has served as an umbrella agreement under which an RSOO has been created. In the case of the BAGASOO, a decision of the Council of BAG Ministers enabled the RSOO agreement to be annexed to, and form an integral part of, the agreement that set up the Banjul Accord Group of West African States. In this case, the agreement immediately came into force upon the definitive signature of ministers of the member States.

3.2.12 Similarly, the Civil Aviation Safety and Security Oversight System (CASSOS) was created in 2008 as an intergovernmental regional civil aviation organization under the auspices of the member States of the Caribbean Community (CARICOM), which was itself established on 15 July 2001 by the Revised Treaty of Chaguaramas including the CARICOM Single Market and Economy. The agreement immediately came into force upon being signed by four of

the States. A further example is the Central American Agency for Aeronautical Safety (ACSA) that was created as a subsidiary of the Central American Corporation of Air Navigation Services (COCESNA). The decision to establish ACSA was taken by the Governing Council of COCESNA in December 1999 and endorsed by a resolution of the Council of Transport Ministers of COCESNA States in May 2000. ACSA was inaugurated on 1 September 2000.

3.2.13 Experience has shown that using the legal framework of an already existing economic and/or political organization can greatly facilitate the establishment of an RSOO by lowering costs and shortening the development time. This can usually be done in a manner that will provide the RSOO with a degree of independence so that it can, in its own right, receive delegated functions and adequately provide for its own funding. For instance, although the agreement documents of both the BAGASOO and CASSOA provide for a legal personality, this is not always the case. ACSA, for instance, remains technically and administratively dependent on its parent body, COCESNA.

3.3 STATES' NEEDS, RSOO OBJECTIVES AND DELEGATED AUTHORITY

3.3.1 As mentioned above, the legal framework developed for an RSOO will be defined by the constitutional system, the needs of member States, the stated objectives of the RSOO, and the economic and political characteristics of the region in which the RSOO is to be established. These factors will also determine the extent of authority delegated to the RSOO for the conduct of safety oversight functions on behalf of States. Normally, with respect to the objectives, three broad categories define the mandate of the RSOO: expert advisory and consultative services in safety oversight matters, the provision of technical assistance, and the execution of safety oversight functions on behalf of member States. Therefore when creating an RSOO, one would choose a legal framework that, depending on the RSOO's scope, best enables the achievement of the specific objectives.

3.3.2 Effective implementation of the RSOO's objectives will require that member States:

a) support the development of either common civil aviation legislation and regulations or, as the case may be, harmonized national regulations, leading to the application of standardized methods and procedures for the licensing, certification, authorization, approval and surveillance of civil aviation-related activities;

b) participate in RSOO activities with the objective of assisting other member States in these activities;

c) define a regional training policy and develop and establish a regional training programme for the technical personnel of member States including training courses and seminars/workshops aimed at understanding and implementing uniform application of legislative and regulatory provisions and the implementation of processes and procedures;

d) contribute to the maintenance of a safe, efficient and economic air transport system as a means to support the social, economic and cultural development of the region;

e) endeavour to implement a cost-effective safety system with a minimum regulatory burden so as to contribute to the competitiveness of the regional aviation industry; and

f) promote a comprehensive systems approach to safety management within member States by adopting and implementing the safety management system (SMS) concept.

3.3.3 Additional objectives of an RSOO may include the following:

a) strengthening the regional institutional framework for aviation safety and assistance in the development of a harmonized legislative and regulatory framework for the region;

b) promoting a comprehensive systems approach to the conduct of safety oversight activities, focusing on the effective implementation of SARPs, the establishment of an efficient oversight capability in member States, and the effective implementation of the critical elements of safety oversight;

c) developing an information system to facilitate access to safety-related and safety-critical information within the region; and

d) modernizing the CAAs of member States to enable them to comply with international and national safety standards.

3.3.4 Depending on the level of resources available and the level of authority that member States wish to delegate to the RSOO, the scope of activities to be carried out may at first be limited to overseeing only some areas of safety oversight, i.e. personnel licensing, operations and airworthiness of aircraft. Over time and with more resources, oversight activities can be expanded to include other areas such as aerodromes, air navigation services and even security. Chapter 6 will go into much more detail on the tasks and functions of RSOOs as they relate to the development of regulatory and guidance material and the conduct of licensing, certification, authorization, approval and surveillance activities. What is the most important consideration here is that the legal status of the RSOO, the scope of its functions and the extent of delegated legal authority are clearly determined and stipulated in the agreement document.

3.3.5 The agreement document should also define the role and responsibility of each of the member States in relation to the RSOO, including the following:

a) the level of participation of a State's civil aviation authority in the activities of the RSOO;

b) whether the RSOO conducts its activities on the basis of a member State's national civil aviation legislation and regulations or on a set of regulations that have been either harmonized throughout the subregion or are common to all the RSOO's member States, to be adopted and promulgated and made equally applicable in all the States;

c) if no common regulations are promulgated, the manner in which the RSOO would reconcile the differences that exist between the regulations of member States and international SARPs;

d) clarification of the role of national inspectors in the conduct of safety oversight activity by the RSOO;

e) the role of the RSOO inspectors during the conduct of safety oversight activity in the member State; and

f) the types of surveillance to be conducted by member States of the RSOO to ensure the fulfilment of each member State's obligation as a signatory to the Chicago Convention.

3.3.6 The above points and other similar questions should be clearly addressed during the initial stage of defining the legal status of the regional organization and should be periodically reviewed because the mandate of the RSOO may change. The agreement document should emphasize several aspects and objectives that would enable the organization to be effective, as follows:

a) The organizational and operational procedures of the RSOO should be defined and presented in an internal set of approved regulations and in a manual of internal technical procedures that must be agreed upon by member States.

b) The RSOO should be capable of recommending necessary or mitigating measures and providing technical assistance to enable member States to overcome the deficiencies identified by ICAO and other safety oversight-related audits.

c) The RSOO should develop civil aviation legislation and regulations, in accordance with ICAO SARPs, for uniform application to the civil aviation activities in the region.

d) The RSOO used in the region should establish a mechanism for amending civil aviation legislation, regulations and procedures in line with the amendments introduced to relevant provisions of the Annexes to the Chicago Convention.

e) Based on commonly adopted or harmonized operational regulations and procedures, the RSOO should be able to provide the required assistance to member States in the licensing of personnel, approval of organizations, certification of air operators, approval of maintenance organizations, certification of aerodromes and surveillance of all these functions in order to achieve a homogeneous and effective civil aviation system.

3.3.7 To effectively implement and participate in the RSOO, member States shall conform to the commitments and obligations stipulated in the agreement document by providing information that would enable the RSOO to:

a) inform member States about their aviation safety status and safety oversight status in order that appropriate safety measures can be applied;

b) request member States to take proper actions to mitigate and subsequently overcome the deficiencies identified by safety oversight audits; and

c) ensure that technical personnel assigned to the RSOO neither request nor receive instructions with regard to the performance of their duties from any authority other than the authorities of the RSOO, in accordance with established rules and on the basis of the approved regulations and internal procedures of the RSOO.

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Chapter 4

THE ORGANIZATIONAL STRUCTURE OF A REGIONAL SAFETY OVERSIGHT ORGANIZATION

4.1 ORGANIZATIONAL STRUCTURE OF AN RSOO

4.1.1 In general, organizational structure refers to the manner in which people within an organization and their jobs are arranged for the purpose of achieving the organization's objectives. The development of any structure must take account of the organization's goals and environment if the organization is to succeed. In deciding on the most suitable structure for an organization, decisions will have to be made on a number of factors, such as the number of reporting layers, mechanisms for coordination and control, the degree of formalization, the centralization of authority and the number of persons that any one supervisor can manage. Increasingly, technology, particularly in the form of information technology (IT), also plays an important role in determining the organizational structure.

4.1.2 It is now more commonly accepted that there is no one best organizational structure and that the most effective structure for any one organization to adopt is determined by the size and objectives of the organization, the scope of its activities and the wider environment in which it is to function. Depending on their purpose therefore, organizations range in structure from the more traditional, hierarchical bureaucracies to less hierarchical or "flatter" and less formalized structures. In general, a distinction can be drawn between organizations that are structured along more functional lines, whereby the organization is departmentalized in accordance with the different jobs that have to be done, to more composite matrix-type organizations, where interdisciplinary teams of specialists are superimposed upon and cut across functional departments.

4.1.3 In developing the structure of any organization, including an RSOO, a number of steps should be taken. First, the overall task of the organization must be broken down into a number of distinct jobs, which may then be grouped together according to how they relate to each other. Decisions must be taken on the number of persons and jobs to be grouped together and the number of persons that can be managed by a single supervisor or manager. Lastly, the distribution of decision-making authority within the organization needs to be considered. These steps can result in a number of options ranging from highly formalized bureaucracies to more composite matrix-type structures.

4.1.4 A primary reason for establishing an RSOO may be due to the fact that its member States have very limited resources to devote to safety oversight. Therefore, a shared interest of the member States is to minimize the cost of establishing and maintaining the RSOO to the greatest extent possible. Given the nature of aviation safety, the RSOO should also be able to respond effectively and in a timely manner to the requests of member States. For this reason, the RSOO would benefit from having a structure that allows it to be flexible and accountable, and which is both easy and inexpensive to maintain. In this case, consideration may be given to a composite structure, to include a relatively small secretariat designed along functional lines and consisting of only two to three reporting levels and an inspectorate that would primarily be made up of experts seconded by member States, as and when necessary.

4.1.5 If the model of a simple structure is followed (see Figure 4-1), a cooperative inspectorate or inspector-sharing scheme can be established, whereby the inspectors used by the RSOO remain in the employment of their respective States and carry out inspections and other services for the RSOO only when required. Similarly, much of the technical work involved in the development of regulatory requirements and guidance material can take place in technical committees that will mainly be composed of experts drawn from member States and who will not be considered as employees of the RSOO. The purpose of the secretariat would then be to provide only the administration and

coordination needed to support the technical committees and the inspectorate. Costs for the day-to-day operation of the RSOO can be considerably reduced if both the technical committees and the inspectorate are organized along matrix lines and essentially consist of teams of experts working on specific tasks for defined periods of time.

4.1.6 The RSOO would be headed and managed by an executive director (ED) or chief executive officer (CEO) who would report to a governing body (which may be referred to as a governing council, board of directors or other suitably titled body). The ED/CEO would oversee the daily running of the secretariat that would be organized along functional lines and would consist of a core staff made up of at least an administrative adviser, a legal adviser and a limited number of technical support officers required for coordinating the work of technical committees and inspectors. Figure 4-1 depicts a simple organizational structure that includes, as an integral component, a cooperative inspectorate scheme (CIS).

4.1.7 The structure in Figure 4-1 is indicative of what has been developed by one RSOO. It must, however, be made clear that RSOOs may vary in their organizational structures, even when it comes to the titles used for office holders. Examples of the organizational structures of three existing RSOOs are illustrated in Appendix B. Although this is not an all-inclusive list, States are encouraged to build on the structure in Figure 4-1 and the examples in Appendix B for the purpose of establishing an RSOO that meets their needs. The following paragraphs provide additional details on the governing body and on the duties and responsibilities of the core administrative, legal and technical staff. They also describe the kinds of cooperative inspectorate or inspector-sharing scheme that have already been established by a number of RSOOs and the duties of inspectors and the technical committees.

Governing body

4.1.8 It is essential that all member States be represented on the governing body of the RSOO for it to be effective. Normally, a State's representative on the governing body would be its Director General of Civil Aviation (DGCA) and each member State would have one vote. In certain cases, membership of the governing body may be extended by the participating State to other parties, provided that such parties are not regulated or have no interest in entities regulated by the civil aviation authorities. It is also not unusual for other States that have a stake in the RSOO to be invited to participate in the proceedings of the governing body in a non-voting role. Such States may be referred to as observer or associate States. Observer status may even be extended to industry stakeholders, funding agencies and other international organizations, particularly when discussions of the governing body concern the implementation of safety initiatives and assistance. In any event, membership of the governing body and participation in its meetings should be clearly constituted in the RSOO agreement document and related policies and procedures.

4.1.9 The governing body of the RSOO is responsible for formulating policy, appointing the executive director (ED)/chief executive officer (CEO), determining and allocating the budget, specifying the terms of reference and performing other activities related to the overall management and policy-making process of the RSOO. The governing body should also be responsible for providing guidance to the ED/CEO on issues related to regional and international relationships and for determining the general principles that will guide the work programme of the RSOO. It is important that all the functions of the governing body are clearly indicated in the RSOO agreement document.

4.1.10 A primary responsibility of the RSOO is to support safety oversight in accordance with its mandate. This will likely include training and the conduct of oversight-related tasks on behalf of member States under the overall guidance of the governing body. The day-to-day surveillance of service providers remains the responsibility of the civil aviation authority (CAA) of member States. It should be noted that responsibility for safety and the implementation of the ICAO SARPs and common civil aviation legislation and operational regulations (including the responsibility for the issuance, renewal, suspension and/or revocation of licences, certificates, authorizations and approvals, if not delegated to the RSOO) remains that of individual member States and not that of the RSOO or its governing body.

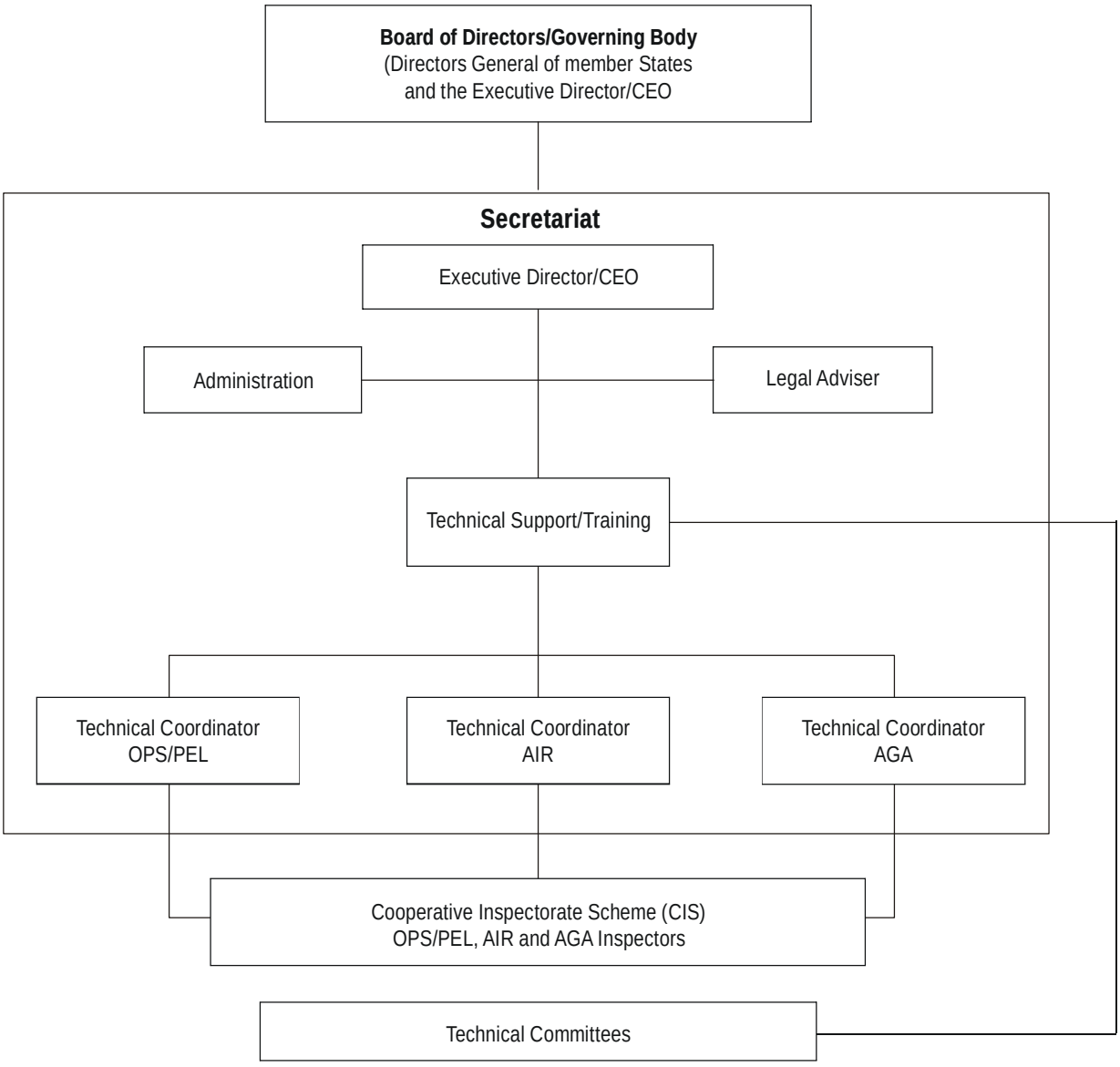

Figure 4-1. Model of a simple organizational structure for an RSOO

The executive director (ED)/chief executive officer (CEO)

4.1.11 Although the authority to appoint the ED/CEO of an RSOO may vary from region to region, it is recommended that this authority is vested in the RSOO's governing body. The ED/CEO is responsible for the overall management and administration of the RSOO secretariat. The ED/CEO is also responsible for the implementation of the policies formulated by the governing body in line with the established terms of reference and guidance provided. The ED/CEO duties and responsibilities should include but not be limited to:

a) administering the overall activities of the RSOO and overseeing the activities of the RSOO secretariat in order to:

   1) liaise with RSOO member States on issues related to safety oversight and, specifically, the development of civil aviation legislation, regulations, processes and procedures relating to civil aviation activities in member States; and

   2) ensure the standardization and quality of all RSOO products, such as common civil aviation legislation, regulations, directives, processes and procedures for the licensing of aviation personnel and certification, authorization and approval of aviation activities in member States;

b) guiding the planning and execution, as necessary, of additional RSOO activities, such as:

   1) training and recurrent training of the technical staff of the RSOO;

   2) development and conduct of seminars/workshops for the administrative, legal and technical staff of member States;

   3) development, publication and maintenance of safety oversight-related documentation (guidance material) for member States; and

   4) development, publication and maintenance of manuals and handbooks required for the management and administration of the RSOO;

c) coordinating the resources and activities of the RSOO to ensure its effective and efficient operation;

d) liaising with member States' administrations and other organizations that have established a relationship with the RSOO in order to second experts or secure funding for the proper operation of the RSOO;

e) representing the RSOO or member States at international and regional safety oversight-related meetings, conferences, symposia, etc.;

f) developing reports and working papers for the governing body, as required, on the activities of the RSOO; and

g) performing other duties as assigned by the governing body.

4.1.12 It is important that the process of appointing an ED/CEO and any conditions governing tenure should be clearly defined in the RSOO agreement document. It is also important that, in determining the length of tenure of the ED/CEO, consideration be given to the need for consistency and stability in order to be able to develop and implement policies to the benefit of the RSOO. A rapid turnover of the leadership of the organization should be avoided, unless for compulsory reasons. The governing body may determine other terms and conditions that govern the appointment of the ED/CEO. The RSOO agreement document should also contain details on the duties and responsibilities of the ED/CEO.

Chief of administration

4.1.13 The chief of administration is responsible for the administration and human resource management of the RSOO and reports directly to the ED/CEO.

4.1.14 Administration-related responsibilities include the management of the selection and recruitment process, assignment of administrative and human resource tasks, planning and development of activities and schedules, and the timely dissemination of RSOO products.

4.1.15 The duties and responsibilities of the chief of administration should include but not be limited to:

a) ensuring the timely production and distribution of RSOO products, such as reports, documents and time-sensitive correspondence;

b) supervising administrative support activities performed by the RSOO general service staff;

c) representing the RSOO at international and regional safety oversight-related administrative meetings, conferences, symposia, etc.;

d) supervising the maintenance of RSOO personnel records, including records relating to the qualifications, experience and training of personnel;

e) liaising with the relevant sections of the RSOO for the collection and collation of material required for the development of guidance material, training, seminars and workshops;

f) reviewing travel claims for accuracy and for adherence to staff rules;

g) performing other assignments as necessary and as assigned by the ED/CEO; and

h) keeping abreast of developments and trends in the specialized fields of concern to the RSOO by studying periodicals, reports and manuals.

Chief of technical support/training

4.1.16 The chief of technical support/training is responsible for all technical and training-related activities of the RSOO and reports directly to the ED/CEO.

4.1.17 The chief of technical support/training supervises the technical coordinators in the conduct of their tasks and responsibilities for coordinating the technical activities of the RSOO with respect to licensing, certification, authorization, approval and surveillance activities, such as inspections and audits, and manages the cooperative inspectorate or inspector-sharing scheme if one has been established by the RSOO. The number of technical coordinators will be a function of the scope of activities undertaken by the RSOO, depending on whether these are limited to the areas of personnel licensing, operations and airworthiness of aircraft, or expanded to also include the oversight of aerodromes, air navigation services and, in some cases, security.

4.1.18 The chief of technical support/training also supervises the work of the technical committees and ensures that their respective work programmes are carried out successfully and in line with ICAO requirements, policies and strategic objectives.

4.1.19 Training-related responsibilities include the planning and development of training courses, seminar/ workshop material and guidance for the secretariat as well as the technical experts of member States and the conduct of training courses. The chief of technical support/training is responsible for ensuring that inspectors and other technical personnel used by the RSOO are adequately qualified, experienced and trained to perform their assigned duties and assume their responsibilities. If a cooperative inspectorate or inspector-sharing scheme has been established by the RSOO, the chief of technical support/training would ensure that inspectors recruited under the scheme meet established qualification, experience and training criteria.

4.1.20 Apart from supervising the technical work of the RSOO and its technical committees, other duties and responsibilities should include but not be limited to:

a) planning, developing, organizing, coordinating and conducting safety oversight-related seminars, workshops and auditor training courses;

b) supervising and coordinating the preparation of safety oversight seminars, workshops and training material and ensuring the timely submission of seminar and training material by other officers;

c) planning and coordinating activities related to the development and updating of technical training manuals and guidance material;

d) ensuring that material required for seminars, workshops and training courses is up to date and readily available;

e) coordinating and integrating the guidance material produced by the RSOO secretariat, consultants or other external organizations;

f) coordinating with the technical coordinators the development and dissemination of information relating to RSOO activities; and

g) representing the RSOO at international and regional safety oversight-related technical meetings, conferences, symposia, etc.

Legal adviser

4.1.21 The legal adviser is responsible for overseeing the legislative, regulatory and guidance material, related to the terms of reference of the RSOO, for compliance with international standards and best practices. The legal framework of the RSOO is discussed in Chapter 3 of this manual.

4.1.22 In many cases, the legal adviser supports the administrative or technical work programme of the RSOO. Additionally, the legal adviser has the obligation to stay abreast of ICAO SARPs and other international standards as they relate to the RSOO and to assist in the timely dissemination of amendments and changes that pertain to RSOO member States.

4.1.23 Depending on the size of the RSOO, the level of its authority and the complexity of its activities, the legal adviser may be a part-time employee or seconded from a member State with sufficiently qualified and experienced legal experts. The duties and responsibilities of the legal adviser should include but not be limited to:

a) ensuring the timely production and distribution of RSOO legal opinions, reports, documents and time-sensitive correspondence;

b) monitoring the legal activities performed by RSOO member States;

c) representing the RSOO at international and regional safety oversight-related legal meetings, conferences, symposia, etc.;

d) liaising with the relevant sections of the RSOO for the development of guidance material, the organization of seminars and workshops and the provision of legal training;

e) performing other assignments as necessary and as assigned by the ED/CEO;

f) providing member States with legal advice, as necessary; and

g) keeping abreast of legal developments and trends of concern to the RSOO by studying pertinent legal documents, periodicals, reports and manuals.

Technical coordinators

4.1.24 Technical coordinators report to the chief of technical support/training. They have the day-to-day task of coordinating and implementing the technical work programme of the RSOO, including the supervision and control of the activities of the inspectors and other technical staff. The duties of the technical coordinators are dependent upon the tasks and terms of reference of the RSOO and the needs of member States. Technical coordinators may also act as secretaries of the technical committees. The responsibilities of the technical coordinators include but are not limited to:

a) developing, under the supervision of the chief of technical support/training and for the approval of the ED/CEO and the governing body, the qualification and experience criteria for the selection and recruitment of technical staff and inspectors;

b) assigning and allocating duties and tasks to inspectors and other technical staff and conducting overall supervision of their work-related activities;

c) assisting, under the supervision of the chief of technical support/training, the ED/CEO and member States with the technical activities of the RSOO as well as with related activities within member States;

d) liaising with regional and international aviation-related organizations on technical issues of mutual interest aimed at enhancing the safety of civil aviation;

e) ensuring the quality of the technical work of the technical staff through the provision of training, guidance and briefings, as required;

f) ensuring the quality of the technical products of the RSOO and the accuracy, harmonization and currency of its technical documentation;

g) assisting in the collection of technical data and analysis of reports produced by the technical staff, as well as reviewing all technical reports before their submission through the chief of technical support/ training, to the ED/CEO, the governing body or member States, as appropriate;

h) implementing the technical recommendations of the technical committee as approved/accepted by the ED/CEO and/or the governing body;

i) assisting in the planning, development and implementation of the work plan of the RSOO and activities related to the conduct of safety oversight surveillance activities;

j) providing guidance to and assisting, as necessary, inspectors and RSOO technical staff in the conduct of their specific duties within member States;

k) representing the RSOO at international and regional seminars, workshops, conferences, symposia, etc.;

l) providing guidance on the development of training material related to technical aspects and participating in the conduct of the RSOO technical staff training courses, seminars and workshops;

m) following up on the implementation of recommendations forwarded to member States with respect to RSOO activities;

n) assisting the ED/CEO in the planning and execution, as necessary, of all additional activities of the organization, such as the:

1) training and recurrent training of the technical staff of the organization;

2) development, publication and maintenance of safety oversight-related documentation (guidance material) for the use of member States; and

3) development, publication and maintenance of manuals and handbooks required for the management and administration of the technical programme of the organization;

o) performing other duties as assigned by the chief of technical support/training or the ED/CEO; and

p) keeping abreast of developments and trends relating to aviation safety in general, and safety oversight in particular, by studying periodicals, reports and manuals.

RSOO technical staff (including Inspectors)

4.1.25 Irrespective of the organizational structure adopted by the RSOO, technical staff will have to be recruited to cover all of the RSOO's areas of responsibilities. The modalities of recruitment and employment of technical staff can however vary depending on the extent to which the RSOO wishes to directly employ its own workforce. This, in turn, may depend on the scope of activities of the RSOO and the level of authority delegated to it. The level of funding available to the RSOO will also determine the number of permanent staff that can be maintained. Normally, staffing is the largest expenditure of an organization, particularly if this includes the need to employ staff with specialist technical qualifications and experience, for which demand is high in the aviation employment market. There is therefore a cost incentive to keep the number of technical staff employed directly by the RSOO as low as possible, so long as this does not prevent the RSOO from effectively carrying out its mandate.

4.1.26 One solution to maintaining the staffing costs of an RSOO at a reasonable level is to directly employ a very limited number of management staff and invite member States to second technical staff to the RSOO. This could be done on the understanding that a portion of their cost would be supported by the member State as its contribution to the organization.

4.1.27 Another solution is to establish a cooperative inspectorate or inspector-sharing scheme under which qualified and experienced inspectors remain employed by their respective States and carry out tasks on behalf of the RSOO only when requested. In order for a cooperative inspectorate or inspector-sharing scheme to be effective, it needs to be manned by suitably qualified, experienced and trained inspectors who are made available to the RSOO by States when required. The RSOO would provide for the overall management of the scheme by ensuring that a roster of available inspectors is maintained and coordinating and monitoring the licensing, certification, authorization, approval and surveillance activities of the inspectors.

4.1.28 If the RSOO establishes a cooperative inspectorate or inspector-sharing scheme, it is important that matters relating to legal authority, remuneration, credentials and the liability protection of the inspectors should be addressed in the RSOO agreement document. Normally, in such cases, the inspectors would continue to receive remuneration from the States that employ them, and the State receiving the assistance would be responsible for covering the cost of travel and allowances. The inspectors should also be provided with the equivalent legal authority, credentials and liability coverage as provided to the national inspectors of the State.

4.1.29 In any event, the RSOO's technical experts will be required to assist member States with their licensing, certification, authorization and approval obligations, as well as in the conduct of surveillance of the aviation industry. These obligations include a wide range of complex reviews, evaluations, inspections, risk assessments and analyses, follow-up actions, interventions and proper documentation of these activities.

4.1.30 Effective execution of these tasks and the ability of the RSOO to assist its member States will depend, to a large extent, on the qualifications, experience, competence and dedication of its technical staff. Therefore, to effectively fulfil its responsibilities, the RSOO must be properly staffed by appropriately qualified and experienced personnel capable of accomplishing the wide range of technical and other duties assigned to the organization. This also means that the RSOO needs to ensure that its inspectors are provided with adequate training, including refresher training, and with the required guidance material and handbooks for carrying out their tasks effectively.

4.1.31 RSOO technical staff should be at least as qualified and experienced as the personnel to be inspected or supervised. With respect to personnel licensing officers, the required qualifications should include considerable experience in one of the professions for which the licence or rating is issued. If the licensing officer is involved in conducting examinations and tests, the qualifications and experience required should be similar to those required for licence holders at the level that the examination or testing is being conducted. The licensing, certification, authorization, approval and surveillance of civil aviation activities involves the performance of tasks that not only include the review and approval of documentation, but also the continuous surveillance of all civil aviation activities.

4.1.32 In addition to technical competency, it is critical that technical staff possess good communication skills and a high degree of integrity, have a good understanding of human nature and are impartial and tactful in carrying out their tasks. Considering the specialized and sensitive nature of the RSOO's mission, it is vitally important that the qualifications, previous experience and personal characteristics of all persons employed, whether directly recruited by the RSOO or seconded from member States, be verified and carefully evaluated before they are selected.

4.1.33 The intent is for the RSOO to be organizationally competent, which may require it to employ the services of a team of inspectors with expertise in a mix of disciplines. As much as practicable, they should be as qualified and experienced, individually and as a team, as the organization being inspected. Licences and other skills or qualifications as well as an acceptable level of proficiency in and knowledge of civil aviation activities, limitations, equipment, systems, operations, etc., will permit RSOO inspectors and technical staff to better assess the competence and the level of compliance of civil aviation personnel, operators, air navigation service providers, maintenance organizations and aerodromes in member States.

4.1.34 In a number of cases, e.g. in the case of the East African Community's Civil Aviation Safety and Security Oversight Agency (CASSOA) and the Caribbean Aviation Safety and Security Oversight System (CASSOS), security oversight is also an integral part of the mandate of the RSOO. However, even where this is not the case, the RSOO's technical experts should assist member States in the implementation of security initiatives whenever they are applicable to the work programme of the RSOO.

4.1.35 Member States, depending on the extent of the functions that they intend to delegate to the RSOO, may need to maintain a certain level of capability in several areas such as licensing, certification, authorization, approval and surveillance, for which the State remains responsible as a signatory to the Chicago Convention. Regardless of the level of authority delegated to the RSOO, member States should however be mindful that they remain ultimately responsible for these activities. The major benefits of establishing an RSOO can be achieved only if the RSOO is enabled to act on behalf of member States, to the highest possible extent, and if States maintain supervisory control so that the RSOO can succeed in enabling them to effectively meet their international obligations.

Technical committees

4.1.36 A technical committee, consisting of technical experts from member States and, where required, from industry, may be formed to assist the ED/CEO in reviewing and developing legislative and regulatory provisions and assisting in the implementation of these requirements in each member State.

4.1.37 Several possibilities exist for the composition, size and number of technical committees in an RSOO, depending on the mandate and scope of activities of the organization. Technical committees may meet a few times a

year to plan and review the technical work of the RSOO and to develop and review procedures and guidance material on technical issues of concern to member States. Draft technical material should usually be reviewed and agreed upon by the technical committees prior to submission to the ED/CEO and the governing body for approval.

4.1.38 Regardless of the type and composition of the technical committees, their duties and responsibilities should be clearly defined. Most of all, it should be determined that a technical committee's main purpose is to bring to the attention of the RSOO the technical concerns of each member State and to facilitate the development of common or harmonized civil aviation legislation, operating regulations and procedures and their implementation in each member State in a standardized manner.

4.1.39 The governing body may add to, amend or eliminate the duties and responsibilities of the technical committees to reflect regional needs and specifically the requirements of the RSOO. Some of the duties and responsibilities of the technical committees are to:

a) agree on common or harmonized operating regulations concerning the core safety oversight functions of member States (such as personnel licensing, aircraft operations, airworthiness of aircraft, air navigation services and aerodromes) to enable member States to implement SARPs in a standardized manner;

b) agree on technical guidance including implementation procedures and checklists for use by the national experts as well as the technical staff of the RSOO;

c) develop a collaborative technical programme for safety oversight in member States to facilitate the work of the RSOO secretariat and inspectorate;

d) establish subcommittees, panels and/or study groups to address technical requirements based on specific State or regional needs as may be required from time to time;

e) examine reports from groups of experts, panels and/or study groups and develop recommendations for the consideration of the governing body and/or the secretariat;

f) propose amendments to civil aviation legislation and operating regulations as necessary and review proposed amendments to such legislation and regulations, practices and procedures presented by member States and/or the secretariat;

g) review the technical reports of the secretariat and make recommendations to the governing body; and

h) review, monitor and give advice on the RSOO's annual programme of activities.

Chapter 5

FINANCING A REGIONAL SAFETY OVERSIGHT ORGANIZATION

5.1 INTRODUCTION

5.1.1 An important aspect when establishing an RSOO is funding. In the past, regional organizations have experienced difficulties collecting fees for services provided and receiving contributions from Member States on time. Also, in some regions of the world with limited aviation activities, the issue of funding may be crucial to securing the continued operation of such an organization.

5.1.2 Consideration should be given to the reduction in costs at a Member State level from the benefits of economies of scale when establishing an RSOO. Duplication of activities between RSOOs and Member States should be avoided and cost reductions at the Member State level should be passed on as an essential part of the RSOO funding to avoid excessive cost increases for users.

5.1.3 Possibilities for broadening the scope of RSOO activities may vary as described in the previous chapters of this manual. While some RSOOs may be engaged primarily in safety oversight duties and technical assistance, others may also assist their Member States with the development of proposals for harmonization and standardization of civil aviation legislation regulations and procedures, as well as training and guidance material. When approaching the funding issue, it is essential to make a distinction between these different activities. The discussion in this chapter will mainly focus on the funding options available to RSOOs and States regarding the activities of RSOOs with the purpose of finding sustainable funding solutions.

5.1.4 This chapter is organized as follows. Section 5.2 describes some of the most important functions and tools in the economic and financial management of RSOOs. Section 5.3 discusses the various sources of financing for RSOOs: it reviews current funding practices, describes options for cost-sharing and cost-recovery for the provision of safety oversight, and it introduces guidance material on user charges to fund RSOOs.

5.2 ECONOMIC AND FINANCIAL MANAGEMENT OF AN RSOO

Business Plan

5.2.1 The value of the development and maintenance of a comprehensive business plan for an RSOO should be considered with respect to the scope of the activities of the organization. In situations with limited safety oversight activities, or limited aviation activities in the area of responsibility, a simpler business plan, or even a mission statement, may be sufficient. The purpose of the business plan is to specify the actions to be followed over a given period by the organization to achieve its long-term strategies. The plan should therefore prescribe the short- and medium-term objectives through which the long-term goals will be achieved. In so doing, the plan should outline the business environment in which the organization is forecast to operate and its implications. Consideration will need to be given to political, legal, economic, social and technical factors as well as regional and global developments that may affect the organization, and in addition the plan will need to highlight assumptions made which will particularly affect the forecast plan outcome. The objectives can be broken down into the level and costs of the main areas of activities and the

associated recovery of costs, highlighting who is responsible and accountable for carrying them out. While civil aviation safety should be the primary concern of the organization, it should nevertheless take full account of cost efficiency when conducting the tasks incumbent upon it.

5.2.2 The business plan will also identify key objectives against which performance will be monitored. Such planning will not only be financially oriented but will include goals concerning safety, the nature and level of services, the forecast demand for such services and the requirements of Member States. Forecast changes in the number and type of staff over the plan period should also be included. The business plan should demonstrate that the RSOO is well managed by reference to relevant performance metrics, including productivity/cost-effectiveness and quality and efficiency of service.

5.2.3 The plan should take into account the following parameters:

a) forecast air traffic and demand for RSOO's services;

b) external economic assumptions (e.g. exchange rates, inflation, GNP and interest rates);

c) staff numbers and changing qualifications, training and work skills required of staff;

d) limits on expenditure and/or fees for services;

e) changing institutional arrangements;

f) changes in costs (staff, operating expenses);

g) income; and

h) operating result (as measured by the difference between forecast revenues and costs).

5.2.4 A business plan for an RSOO should establish the main principles for recovering the costs of the organization. The costs for common services should be shared by the Member States in proportion to the level and complexity of aviation activities in the respective States (5.2.8 to 5.2.15 refer). The calculated contribution by each State would have to be transferred to the RSOO on a monthly basis. The fees for any specific services provided by the RSOO should be cost-related with the intention to recover the full cost of each individual service provided, including appropriate amounts for cost of capital and depreciation, as well as the costs of operation, management and administration.

5.2.5 The business plan should also address that, in addition to accounting by category of expense (staff, other operating expenses, depreciation, interest, etc.) the RSOO will need to manage accounting by activities because the costs for the two main areas of activities will be recovered in different ways. Accounting by activity will need to be performed at such a detailed level that Member States can identify the portions of their contributions and fees that are related to different categories of applicants/holders of licences, certificates, authorizations and approvals as well as the portions related to airports and air navigation services.

5.2.6 Planning is a continuous process and the business plan should be updated annually. It is recommended that a review of the progress forecast in the previous year's plan be made and that changes from it be identified and explained. The main uncertainties affecting the results should be discussed and contingencies in the event of different outcomes indicated. The effect of different cost assumptions might also be assessed.

Financial management

5.2.7 Independent of the scope of activities of an RSOO and the distribution of duties between the RSOO and the Member States, two main categories of costs in line with the type of service provided may be identified:

a) costs for common services; and

b) costs for specific services.

Common services

5.2.8 **General considerations.** There are two types of common services:

a) activities and services that benefit the whole population (including those who do not request the specific service or activity) are usually considered as being non cost-recovery activities, i.e. the elaboration of primary safety oversight legislation as well as specific operating regulations. At the State level, these activities and services are generally financed by taxation. RSOOs are based on the principle of standardization and harmonization to provide a common frame of reference for all stakeholders - States, industry, and the public. For consistent implementation of international Standards and appropriate levels of safety oversight, an RSOO has to build its own capacity for the proper delivery of the intended services on behalf of its Member States to users by establishing its own facilities, equipment, staff, and procedures. The costs of building such capabilities are fixed and therefore, they will be independent of the level of activity of the organization. All Member States will then be able to benefit from the RSOO's level of competency, readiness and efficacy in performing safety oversight on their behalf. These functions are a common service and therefore can be funded by contributions from Member States (either equal contributions from each of the Member States, contributions based on level of their aviation activities, or a combination of both). Nevertheless, it should be noted that requesting contributions from Member States could place a financial burden on national budgets and may create a disincentive to engage in the creation of an RSOO. In addition, States may fail to secure adequate and consistent funding for the RSOO. RSOOs and their Member States may be able to obtain funding from other sources, for example, international institutions or programmes, but this funding may not be available on an ongoing, consistent basis. Sources of funding are presented in 5.3, and further guidance material of relevance for the funding of infrastructure is contained in Chapter 6 and in Appendix 5 of the *Manual on Air Navigation Services Economics* (Doc 9161).

b) activities and services that benefit a specific group of persons that need the service, as well as a larger group that did not request the service, are often considered as being cost-recovery activities. Examples of these are the funding of the administrative structure of an RSOO, the implementation of procedures and technical guidance, the qualification and training of the professional staff, and safety investigations; these benefit a specific group of people, but have a positive impact on the well-being of many others. The provision of these activities and services can be financed by user charges (the "user-pays" principle) or general taxation. User charges as a source of revenue for the funding of an RSOO reduces the financial burden on Member States, thus creating incentives to engage in the creation of RSOOs and ensuring their financial sustainability, but increases the burden on users.

5.2.9 It is essential to ensure that the funds needed for an RSOO's common services, and in particular for its safety oversight duties and functions, are always available. This can be done by the establishment of escrow accounts[1], or some kind of trust funds, to which each Member State will have to deposit funds equivalent to its estimated contribution to the organization's common services for one year.

5.2.10 **Cost-recovery for the provision of common services.** The recovery of the costs for common services may be made on the basis of the following considerations. In principle, the costs incurred by the RSOO will need to be allocated to Member States based on a cost-sharing scheme.

5.2.11 However, before the estimated cost for common services is allocated to Member States, any retained earnings from the activities of the RSOO should be considered as a potential supplementary source of funding. Such earnings could come from services provided on request to Member and non-Member States, as well as services to companies and organizations with aviation-related activities. Surplus from earlier annual contributions from Member States, together with earnings from interest on deposited funds by Member States on escrow accounts, should also be taken into account when determining the contributions to be paid by Member States for the following years.

Specific services

5.2.12 Activities and services that benefit only the specific group of persons who pay for them are also considered as cost-recovery activities. Licensing and certification, oversight functions, and resolutions of safety concerns fall under this category. These are generally financed through user charges and fees, and will also assist the financial viability of an RSOO.

5.2.13 The fees for services provided by the RSOO should be cost-related with the intention to recover the full cost of each service provided, including appropriate amounts for cost of capital and depreciation, as well as the costs of operation, management and administration. If the full cost is not recovered in each individual instance, some Member States may have to pay for costs of services not properly attributable to them. The amount of the fee should be communicated to the party concerned before the service is provided, together with the terms for the payment of the fee.

5.2.14 To properly allocate the costs of services to specific users, it is essential that the RSOO follows the principles set forth in *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082) in order to avoid cross-subsidization between users or user groups.

5.2.15 To recover the expenditure for specific services, RSOOs may consider the same funding options as for common services.

The financing plan

5.2.16 For the operation of an RSOO, detailed financial information will need to be developed and included in a financing plan. The purpose of the financing plan is to provide, inter alia, the following basic information:

a) estimates of the cost elements (labour, materials, equipment, etc.) of each activity;

b) the funds required to make disbursements at various deadlines, including investment costs (premises, equipment, etc.) and payments on debt obligations;

1. An escrow account is used for the deposition of funds by the owner into the custody of a third person to be retained until the occurrence of a contingency or the performance of a condition.

c) the currencies in which payments are to be made; and

d) the sources of funds selected, including information on the applicable conditions (interest rates, repayment period, etc.).

5.2.17 Also of importance is an assessment of the financial situation of the RSOO over the plan period and particularly over the period of debt payment. Estimates regarding future financial developments would need to be coordinated with the budgeting process and longer term predictions of revenues and expenses. Of particular relevance is the recording of revenues and expenses by activity. In the absence of such financial data, it will be much more difficult for those involved to decide whether or not the loan or financing sought should be granted and, if granted, what terms should be offered. It should be understood that the expected actual income and expenditure should be regularly reviewed and updated.

5.2.18 The data in the original financing plan are also essential to determine the size of start-up funds required for the acquisition of premises, data-processing and other necessary equipment as well as pre-operational training, coordination and administration. Such funds should normally not pose a major problem since they could be obtained through a financing institution, including commercial banks. The loan would be repaid over a few years, with instalments and interest being included in the RSOO's cost element that would be added to and recovered through the annual contributions from Member States.

5.2.19 As suggested in the beginning of this section, the establishment of escrow accounts may secure the availability of the funds to be provided by Member States on an annual basis. The idea is that each Member State would deposit, into an escrow account, funds equivalent to its estimated contribution to an RSOO's common services for one year of operation. Then, as expenses (monthly payments of its contribution) are incurred by the State, they may initially be withdrawn from the escrow account but should be replaced by the State as soon as possible. The State must maintain a positive balance in its escrow account in order to continue to receive services from the RSOO. This process would ensure the smooth operation of the RSOO and further emphasize each State's political commitment to its success and sustainability.

5.3 SOURCES OF FINANCING

Current funding practices of existing RSOOs

5.3.1 Existing RSOOs are mainly funded through contributions from its Member States. The RSOOs might also levy fees on the services they provide to States, such as licensing, certification, audits, inspections, training, technical assistance and consultancy. A Member State's possibilities to recover all of its contributions are often limited. In some instances, the costs for safety oversight are cross-subsidized by air navigation services charges, while in other instances, States, through their civil aviation authorities, collect passenger or aircraft safety fees. Some RSOOs are also planning to introduce passenger safety charges as a source of funding in the future.

5.3.2 To the extent that RSOOs in developing regions do not manage to recover all of their costs from service charges and fees, they rely also on grants and loans from donor States and regional financial institutions. However, RSOOs should be careful when accepting grants and loans, as these sources of funding are not considered to be sustainable. Loans are normally considered as an option only in terms of start-up funds and in situations where they are deemed necessary to achieve the goals of the organization.

5.3.3 Of particular interest in this context are the practices of the European Aviation Safety Agency (EASA). The revenues of EASA consist of, inter alia, a contribution from the European Union; the fees for certificates and approvals issued by the Agency; charges for publications, training and other services provided by the Agency; contributions from non-EU countries participating in the work of EASA; and voluntary contributions. More specifically, EASA levies fees and charges for:

a) the issuance and renewal of certificates, including the related continuing oversight functions;

b) the provision of services, based on the actual cost of each individual provision; and

c) the processing of appeals.

The fees and charges should be set at such a level that the associated revenue is sufficient to cover the full cost of the services delivered, including costs arising from the related continuing oversight. A basic accounting principle is that regulatory functions and licensing, certification, authorization and approval activities are dealt with separately in the Agency's budget. The contribution by the European Union is determined on the basis of a statement of estimates of revenue and expenditure of the Agency for the following financial year. The total revenue and expenditure of the Agency are always supposed to be in balance.

International cooperation

5.3.4 An RSOO's costs for its common services should be allocated to Member States in a fair way based on an agreed cost-sharing scheme. Both the joint financing arrangement and the multinational facility/service concept may be considered for cost-sharing purposes in the context of an RSOO. Although it is possible for a group of States jointly to operate and provide services under a joint financing arrangement, the involvement of ICAO in these agreements is provided for under Chapter XV of the Chicago Convention. Although the methods of administration and involvement by ICAO may differ with the type of application, a joint-support type committee, to which the ICAO joint financing secretariat would report, would need to be established in all instances. ICAO considers requests for assistance with joint financing programmes on a case-by-case basis. The financial aspects are strictly regulated in that the ICAO Council, for example, normally approves all requests for capital expenditure. Joint financing arrangements are therefore more suitable for larger and more costly projects than the establishment of an RSOO.

5.3.5 More information on international cooperation, including multinational facilities and joint financing arrangements can be found in Chapter 3 of the *Manual on Air Navigation Services Economics* (Doc 9161).

Sources of funding

5.3.6 A survey of potential sources of funds available to States and their selection should be done as early as possible in the planning process when a State considers participating in an RSOO. Potential sources of funds will vary considerably from region to region and State to State. The sources to consider in the context of the services provided by an RSOO could be grouped as follows: licensing, certification, authorization and approval fees; airport and air navigation services charges; government funds; foreign sources; debt financing; the ICAO Safety Fund (SAFE); and air safety charges. More comprehensive guidance material on bilateral and international sources of financing is contained in the *Airport Economics Manual* (Doc 9562) and the *Manual on Air Navigation Services Economics* (Doc 9161).

5.3.7 To recover the cost of its contribution to the RSOO for common services, a Member State may consider five funding options or a combination of them:

a) government funds;

b) fees;

c) airport and air navigation services charges;

d) debt financing; and

e) foreign sources.

Debt financing and the ICAO SAFE (5.3.12 and 5.3.13 refer) are not considered to be sustainable funding sources.

Government funds

5.3.8 Governmental funding would be the most straightforward way to fund safety oversight and related rulemaking since these tasks are the direct responsibility of government. Such funding would be in the form of grants or interest-free loans. In some States, governments may even prefer to use public funds with the intention of avoiding additional charges on aviation in order to stimulate growth in air traffic and economic development. Other States may adopt a national policy that aviation should support its own costs.

Fees

5.3.9 All costs associated with licensing, certification, authorization, approval and surveillance in the areas of personnel licensing, operations, airworthiness, air navigation services and aerodromes, including all personnel and organizations involved, may be recovered through fees generated from applicants and holders of such licences, certificates, authorizations and approvals issued, renewed or validated. The cost for subsequent surveillance and resolution of identified deficiencies would also need to be recovered.

Airport and air navigation services charges

5.3.10 Costs directly related to the safety oversight function for airport services and for air navigation services may be included into the airport's or the air navigation services provider's cost basis, at the States' discretion and provided that such costs are imposed on the providers of services (see Doc 9082, Section II, 2 x) and Section III, 3 vii)).

Debt financing

5.3.11 The feasibility of debt financing will depend on whether the traffic of the Member State concerned is of sufficient volume and strength to service the debt, including interest and repayment of capital. In this context, foreign sources should be explored as a matter of course, since financing may be available on more favourable terms than those obtainable from domestic institutions (lower interest rate, repayment over a longer period, etc.). Debt financing may be an option to consider for a State's initial contributions to the RSOO before other funding sources have been secured. However, this would not meet the requirement for sustainable funding.

Foreign sources

5.3.12 For developing States, foreign financing from donor governments and certain financial institutions such as regional development banks, the World Bank and the ICAO SAFE could be considered, but only as a last resort, since none of them would provide a sustainable funding solution.

5.3.13 The ICAO Council established SAFE on 28 May 2010. One of the objectives of SAFE is to finance projects to mitigate or resolve safety-related deficiencies primarily identified through the ICAO USOAP audits and for which States cannot otherwise provide or obtain the necessary financial resources. Funding through SAFE should be considered as a last resort since it also does not meet the requirement for sustainable funding.

User charges as a source of revenues for the funding of RSOOs: the air safety charge

ICAO's policies on charges

5.3.14 *ICAO's Policies on Charges for Airports and Air Navigation Services* (Doc 9082) is of particular relevance for the funding of RSOOs through an air safety charge. Indeed, one of the intentions behind the development of the ICAO policies on charges was to create a sustainable source of funding to recover the costs of the provision of airports and air navigation services, since governmental funding through the State treasury had earlier shown signs of inadequacy to support aviation's need for investment in capacity and safety[2].

5.3.15 As per a recommendation adopted by the Conference on the Economics of Airports and Air Navigation Services (CEANS 2008) and endorsed by the ICAO Council, States are encouraged to incorporate the four key charging principles of non-discrimination, cost-relatedness, transparency and consultation with users, in their national legislation, regulation or policies, as well as in their future air services agreements, in order to ensure compliance by airport operators and air navigation services providers.

The difference between charges and taxes

5.3.16 ICAO has also developed policies on taxation, which are published in *ICAO's Policies on Taxation in the Field of International Air Transport* (Doc 8632). The difference between a charge and a tax has been considered by the Council and is expressed in the Foreword to ICAO's Doc 9082: "a charge is a levy that is designed and applied specifically to recover the costs of providing facilities and services for civil aviation, and a tax is a levy that is designed to raise national or local government revenues, which are generally not applied to civil aviation in their entirety or on a cost-specific basis."

The air safety charge: preliminary considerations

5.3.17 In determining the costs to be recovered from charges and fees, an RSOO may choose to recover less than its full costs in recognition of local and regional benefits. Any approach towards full cost-recovery should be a progression from State contributions to the application of charges and fees. It is for each RSOO and its Member States to decide whether, when, and at what level any service charges should be imposed.

5.3.18 Some States in developing regions of the world may encounter difficulties in funding their safety oversight functions. This could justify the use of an air safety charge[3] as a source of revenue, which would make users ultimately bear a fair share of the cost of providing safety oversight. The air safety charge would recover the cost of providing certain safety oversight functions and services. Therefore, it should be cost-related, with air safety charges revenues matching the corresponding costs for such functions and services (although some cross-subsidies within the RSOO would be unavoidable).

2. Doc 9082 also contains further policies on the cost basis for charges and on charging systems.
3. The definition of "air safety charge" is provided in the Glossary of this document.

5.3.19 The partial recovery of safety oversight-related costs through a passenger-based charge is an option that RSOOs should consider with great caution. It should only be used after a careful assessment and justification of the costs related to the services provided. The use of an air safety charge is in line with Doc 9082, Section I, 2 i), which recommends that States "permit the imposition of charges only for services and functions which are provided for, directly related to, or ultimately beneficial for, civil aviation operations".

5.3.20 Concerns have been raised regarding the management of revenues arising from the imposition of a passenger-based air safety charge. Such an approach should therefore be accompanied by appropriate safeguards such as consultations and agreements with the Member States of an RSOO and with the users.

5.3.21 Passenger-based air safety charges could result in a cross-subsidization between commercial users and other users of the system (non-passenger flights or general/business aviation). Special consideration should be given to the costs for services to be recovered through user charges to avoid such cross-subsidization. Directly allocable costs such as licensing should be recovered directly from the users who benefit from those services if no alternate funding sources such as taxation are available.

5.3.22 Strict safeguards should be put in place by Member States of an RSOO in the constitutive agreements, regulations or policies, including effective and transparent oversight of the charges imposed and related performance management systems, as well as comprehensive and transparent accounting, with assurances that resulting revenues from charges are, and will remain, designated for the RSOO's civil aviation safety oversight functions.

5.3.23 A passenger-based air safety charge may be adopted after a thorough assessment of the RSOO costs, and only if all possible contributions from Member States, revenues from services and from other sources, are found insufficient.

5.3.24 When calculating a reasonable air safety charge rate, potentially significant risks that RSOOs are exposed to must be taken into account, such as unrealistic expectations of activities, underestimation of costs, ability to reduce costs, and hidden costs. It is up to the RSOO and its Member States to decide if an air safety charge is needed and how to determine a reasonable charge, on a case-by-case basis, and in line with sound financial principles.

5.3.25 To ensure alignment with ICAO's policies on charges, the four key charging principles adopted at CEANS (i.e. non-discrimination, cost-relatedness, transparency and consultation with users) should be included in the RSOO's constitutive agreements, regulations or policies.

The cost basis

5.3.26 **Establishing the cost** *basis*. In determining the cost basis of an RSOO, it should be considered that the cost to be allocated is the full cost of providing safety oversight services, including facilities, maintenance, inspections and other operations, management and administration, and capital costs.

5.3.27 Specific charges for the various functions and services performed by an RSOO should not be established until all of the RSOO's costs are fully assessed and distributed on an objective basis. More specifically, the RSOO should start with an assessment of its full cost structure, including both direct operating expenses and its overhead costs (e.g. administrative team salaries, office expenses, etc., as per its charter). At that stage, the contributing capability of States should be taken into consideration, and any such contributions deducted from the costs to be allocated to users. It should be emphasized that the RSOO's operations should be efficient and cost-effective and its accounts transparent and accessible to all interested parties such as Member States, regulators, and users.

5.3.28 Finally, while RSOOs should maintain cost data in sufficient detail to facilitate transparency and consultation, it may be beneficial to develop more aggregated cost bases in certain circumstances for the purpose of setting charges. The aggregation should be done in a logical and transparent manner accompanied by safeguards, as appropriate, to ensure compliance with the four key charging principles.

5.3.29 **Charges/cost-recovery aspects.** In order to establish an air safety charge on a sound financial basis, it is necessary for an RSOO to undertake the following steps:

a) establish a projection of its activities in the region, supported by a sound business plan and an annual operational budget;

b) calculate the gap (i.e. after Member States and other contributions, as well as revenues from fees for services, have been accounted for) that the air safety charge is expected to cover, in order to justify the level of the charge; and

c) allocate the air safety charge in a fair, equitable, and transparent manner.

In addition, in a system where the RSOO should be clearly segregated from other activities undertaken by the participating States, expenditures must be explicitly and publically linked to the forecast costs of activities on yearly-based periods (i.e. “accounts” are provided to participating States and users), taking into account revenues from other sources (contributions from participating States, grants, fees for services, etc.).

5.3.30 As a good governance practice, a mechanism should be implemented to ensure that any surplus or shortfall is factored into the following year’s charges and/or fees (an over-recovery/under-recovery mechanism). Such a mechanism could also assume a regular fluctuation of the charges and/or fees, provided it is expressly linked to demonstrable costs of the RSOO.

Charging systems

5.3.31 **General considerations.** Any charging system should, as far as possible, be simple, equitable and, with regard to air safety charges, suitable for general application on a regional basis. The administrative cost of collecting air safety charges should not exceed a reasonable proportion of the charges collected.

5.3.32 Charges should not be imposed in such a way as to discourage the use of the RSOO services necessary for safety, such as pilot checks, aircraft certification, local audits and others. The performance of safety oversight functions as required in the Chicago Convention and its Annexes are considered to be essential for safety and effectiveness. RSOOs’ charging systems should be based on the costs of providing safety oversight functions and the effectiveness of the services rendered.

5.3.33 It is finally of paramount importance that any air safety charge should be levied in such a way that no service is charged for twice with respect to the same utilization by the RSOO and a Member State. For a region to apply a passenger-based air safety charge, a mandatory early step is to guarantee avoidance of over-collection and cross-subsidization of other activities. This can only be achieved by applying the basic charging principles of non-discrimination, cost-relatedness, transparency and consultation with users. In cases where certain roles could lead to unplanned superposition or duplication of functions and activities between the State and the RSOO (e.g. spot or apron inspections, investigations, surveillance), the costs should be clearly delineated for charging purposes and the roles coordinated in order to avoid duplication of work (and the corresponding double-charging) and to improve efficiency.

5.3.34 **Joint collection of charges.** The situation may arise where an RSOO would consider outsourcing the collection of the air safety charge to an agent (or organization), whether government controlled/operated or not. In such circumstances, it is advisable that the administrative fee for the collection be included in the charges. The RSOO should

ensure that the contract with the agent stipulates that the agent's fees and costs not be deducted from the charges collected on behalf of the RSOO but added to the charges levied on the users. The attributable costs should be transparent.

5.3.35 It may be useful to refer to the guidance material on international operating agencies, joint charges collection agencies, and joint financing elaborated material contained in Doc 9161, Chapter 3.

5.3.36 **Currency issues.** Due consideration should be given to what currency will be used for the air safety charge where regional economic conditions are not stable. Fluctuations in local currencies, the political and economic environment and uniform collection from local ticketing systems could influence the expected results.

5.3.37 With a joint collection agency the funds collected can be transferred immediately to an account of the RSOO, which it can hold either at a bank (or another similar financial institution) in its own territory or in any other State it may designate. This collection approach may also ease access by the RSOO to convertible currency. Although it is recommended in Doc 9082, Section I, 24 i) that under normal circumstances user charges should be expressed and payable in the local currency of the State concerned, it is at the same time recognized that charges may be billed on a regional basis (such as the air safety charge). Therefore, it may be advantageous to both users and providers to denominate and pay charges in a single convertible currency (Doc 9082, Section I, 24 iv) refers).

5.3.38 Additional guidance material on currency conversion, remittance of earnings and payment of local expenses is contained in the *Policy and Guidance Material on the Economic Regulation of International Air Transport* (Doc 9587). With respect to user charges, additional policy guidance on currency issues can be found in Doc 9082, Section I, 24.

Chapter 6

THE MANAGEMENT OF A REGIONAL SAFETY OVERSIGHT ORGANIZATION

6.1 MANAGING FOR GOOD QUALITY RESULTS

6.1.1 A clear definition of the objectives and mission of an RSOO serves as a prerequisite for the successful launching of an RSOO. Managing for good quality results entails the application of a performance-driven or results-based approach to the ongoing management of the RSOO in order to ensure its continued effectiveness and sustainability. An RSOO represents a significant investment on the part of its member States, who believe that the pooling of their resources provides for the most effective means of ensuring a satisfactory level of oversight in the region and compliance with international safety requirements and best practices. In order therefore for the RSOO to maintain the confidence of its members, it must be able to produce results (i.e. outputs and outcomes) that reflect its objectives. Furthermore, it must be able to do this while also monitoring its own performance, so as to ensure conformance with internationally acceptable quality standards. The management tools that are now most commonly used by several international organizations (including ICAO) to achieve this are performance-driven or results-based management strategies and quality management systems.

Performance-driven or results-based management (RBM) strategies

6.1.2 An RBM strategy aims to improve management effectiveness and accountability by defining realistic expected results, monitoring progress toward the achievement of expected results, integrating lessons learned into management decisions and reporting on performance.[1] Under this management strategy, results are the outputs, outcomes and ultimate impact or benefits realized by an RSOO's activity. Inputs (e.g. human and financial resources) are processed through the implementation of programmes and the carrying out of activities and transformed into outputs and outcomes.

6.1.3 Outputs are the immediate deliverables (i.e. products and services) realized by the RSOO's activities (draft standards and directives; regulatory material and inspector handbooks; number of inspections, audits and other certification and surveillance activities carried out; number of training courses held, etc). Outcomes refer to the changes in condition that are contributed to by the outputs. In the case of an RSOO, these would be civil aviation legislation, regulations that are compliant with the ICAO SARPs, comprehensive guidance for inspectors, a well-trained inspectorate workforce and a well carried out programme of licensing, certification, authorization, approval and surveillance activities. The outcomes ultimately lead to benefits such as improved levels of effective implementation of the critical elements of safety oversight by member States, lower accident rates and safer air transport within the region. A more long-term impact would be higher levels of tourist and business traffic to the region and the contribution of safe air transport towards increased business investment and economic activity.

6.1.4 Essentially, this management strategy would require that focus be maintained on the needs of member States and the results of the RSOO's activity (i.e. the outputs, outcomes, benefits and impact) rather than on the inputs

1. "Results-based Management in Canadian International Development Agency," CIDA, January 1999, quoted in "Results-based Management: Concepts and Methodology," *UNDP Results Framework*, *Technical Note: 2000*.

and the activity itself. Therefore the ability to measure and evaluate the RSOO's achievements and to benefit from lessons learned are important components. Measurement and evaluation also presuppose that quality standards have been established against which to measure how well the RSOO meets the expectations of its member States and other stakeholders.

Quality management systems (QMS)

6.1.5 Quality management has been implemented by numerous aviation organizations, including aviation service providers, airlines and civil aviation authorities, for a number of years and has already been described in some detail in other ICAO documents, such as the *Safety Management Manual (SMM)* (Doc 9859). The Continuous Monitoring and Oversight (CMO) Section of ICAO has itself established a quality management system that is compliant with ISO 9001:2008 *Quality Management Systems — Requirements*. The CMO Section's quality manual defines quality management as coordinated activities to direct and control the organization with regard to quality and describes the need to implement quality management system requirements in order to:

a) consistently provide products and services that meet customer, statutory and regulatory requirements as they relate to safety monitoring and oversight-related activities and information; and

b) ensure customer satisfaction through the effective application of the quality system, including processes for continuous improvement and the assurance of conformity to requirements.

6.1.6 An RSOO's quality management programme should define and establish its quality policy and objectives. If properly implemented, a quality management system should ensure that:

a) the RSOO has in place those elements necessary to improve effectiveness and efficiency and reduce service-related risks;

b) procedures are carried out consistently and in compliance with applicable requirements;

c) problems and non-conformities are identified and solved; and

d) the RSOO continuously reviews and improves its processes, procedures, products and services.

6.1.7 In order for an RSOO to maintain its effectiveness, it is important that it put in place a quality management system that should at least cover the development and documentation of processes, procedures, continuous improvement, the conduct of internal and external audits and the monitoring and evaluation of ongoing operations, including the monitoring of corrective actions and feedback. Similar to many other organizations (including the ICAO CMO Section), the RSOO can choose to establish a QMS in accordance with ISO 9001:2008 or any other international quality management standard.

Integrated management systems (IMS)

6.1.8 Doc 9859 deals quite extensively with the relationship between QMS and safety management systems (SMS) and points out that, although they share many commonalities, there are important differences between them. The manual makes it quite clear that an organization's SMS relates to the safety, human and organizational aspects of its operation, whereas QMS relates to its products and services and the need to make these available in accordance with specific standards and to the satisfaction of the customer. However, at the same time, it is important to realize that there is a complementary, if not synergistic, relationship between SMS and QMS, with SMS being quite capable of including both safety and quality policies and principles. In fact, there can be a strong interrelationship between RBM, QMS and SMS, to the extent that all three management systems have to be planned, depend on measurement and monitoring,

involve the organization in its totality and strive for continuous improvement. Also, in the case of at least RBM and QMS, both are based on a process approach to management, whereby inputs are processed to give rise to aviation safety products and services that serve as outputs, outcomes and longer term benefits to customers.

6.1.9 For these reasons certain organizations, such as EASA have opted for an integrated management system as the best means of meeting a range of applicable standards and international best practices. In the case of EASA, its IMS manages all its processes so as to meet its mission statement and objectives and ensure that the quality of the services it provides satisfies stakeholders' expectations without comprising on safety and environmental protection. Figure 6-1 contains an abstract from Decision No 2009/089/E of the Executive Director of EASA of 3 August 2009 on the Agency's IMS.

Article 1
Integrated Management System

The Agency shall implement an Integrated Management System.

An Integrated Management System (IMS) is a single integrated system used by an organization to manage the totality of its processes, in order to meet the organization's objectives and equitably satisfy the stakeholders.

All Directorates and Departments of the Agency shall organize the planning, tasks, monitoring, checks and continual improvement within the IMS in particular by utilizing the tools and methodology set up for it.

The Integrated Management System shall encompass as a minimum:

— a planning process that ensures the consistency of all objectives defined across various fields and at various levels [strategic, operational (processes), Directorate, individual];

— sound management of the processes the Agency has already implemented and those that will be implemented to fulfill its missions and meet its legal requirements and process interactions; it also implies drafting the necessary documents (e.g., policies, procedures) to ensure proper competence, functioning, control and traceability over the processes;

— management of the Agency's business risks;

— management of adequate resources in line with the objectives, justified accordingly and with the possibility of adaptation in subsequent reviews;

— a system of checks and measurements, including key performance indicators and data analysis (e.g., safety analysis; stakeholders' feedback, audits);

— a system of effective follow-up of corrective and preventive actions;

— a review of the IMS at planned intervals, by the Directors to ensure its continuing suitability, adequacy and effectiveness (management review process);

— a system to manage changes, especially of regulations.

The Executive Director is responsible for the implementation of the IMS. The Quality section of the Internal Audit & Quality Department is responsible to provide the framework and methods for the implementation.

Figure 6-1. Abstract from Decision No 2009/089/E of the Executive Director of EASA

6.1.10 An IMS offers an RSOO the best means of ensuring that it can meet its objectives of enhancing the safety oversight capabilities of its member States. Irrespective, however, of which specific management system is adopted, the focus of the RSOO's management should always be on the needs of its member States and on its ability to produce outputs that lead to satisfactory outcomes and benefits. In order to do that, the RSOO should be able to monitor and measure both its management processes and the services it provides so that they consistently comply with international quality standards and best practices. The management strategies discussed in this chapter offer the RSOO the best means of accomplishing this.

6.1.11 An important component in the ongoing management of an RSOO is the management of its relations with external entities, including other aviation-related organizations such as ICAO, and the aviation industry. Maintaining these relations is essential for development and sustainability, since they provide the means for funnelling support and assistance to the RSOO.

6.2 THE ROLE OF ICAO

6.2.1 ICAO plays an essential role in promoting the establishment of RSOOs as one of the means that States within a specific region or subregion can pool their resources and work together to strengthen their safety oversight capabilities, reduce aircraft accident rates and raise levels of aviation safety. In addition, ICAO works closely with States and RSOOs by assisting not just in the establishment of the RSOO, but also in its ongoing management. However, in order to ensure that ICAO's own resources are being put to the best possible use, it is important to note that its support relies on:

a) well-defined and documented strategic objectives, requiring the active participation of the civil aviation authorities of the RSOO's member States in their preparation;

b) the strong political commitment of participant governments and administrations to the concept of an RSOO; and

c) a degree of assurance of the viability and sustainability of the RSOO to be established.

6.2.2 Resolution A37-8 on regional cooperation and assistance to resolve safety-related deficiencies, adopted by the 37th Session of the ICAO Assembly in October 2010, directed the ICAO Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of RSOOs. It further urged Contracting States to develop and further strengthen regional and subregional cooperation in order to promote the highest degree of aviation safety. Towards this end and to put ICAO's cooperation with and assistance to regional bodies, including RSOOs, on a more formal footing, the ICAO Council, on 23 October 2009, approved the *ICAO Policy on Regional Cooperation* and a *Framework for Regional Cooperation*, and requested the Secretary General to develop an action plan for their implementation. It was further agreed that the *Policy* should be driven by assistance rendered to Contracting States by ICAO, along with advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation, through mutual cooperation with regional organizations and regional civil aviation bodies. Resolution A37-21 on cooperation with regional organizations and regional civil aviation bodies, also adopted by the 37th Session of the ICAO Assembly, endorsed the *ICAO Policy on Regional Cooperation* and its *Framework for Regional Cooperation* and urged States, *inter alia*, to support their regional organizations and regional civil aviation bodies in entering into suitable arrangements with ICAO.

6.2.3 The *Policy* and *Framework* provide support to and guidance on ICAO's work with RSOOs by aiming to promote cooperation through the expanded use of best practices and better utilization of resources, taking into account the different levels of existing competency in States. The objectives of the *Policy* are to avoid duplication and achieve harmonization of improvements in the technical and/or policy areas in all regions. It does this through close partnerships with regional organizations and regional civil aviation bodies, ensuring adequate expertise and resources for aviation

infrastructure and oversight functions, sharing of information, enactment of civil aviation legislation where necessary and ensuring specialized training in the development of national and regional plans. A strategic plan was developed for implementing the *Policy*.

6.2.4 ICAO provides assistance to States that are willing to enter into a cooperative agreement for the establishment and management of an RSOO. One type of assistance that can be provided is the recruitment of experts to assist in the RSOO's management and technical operations. ICAO can provide consultation services and consultants to work with RSOOs in developing the management strategies outlined in 6.1. This can be coupled with the training of personnel from within the region served by the RSOO in order to further strengthen their management and technical capabilities. ICAO may also provide technical and logistical support as well as information and documents that the RSOO may need and, at the request of member States, may agree to periodically monitor the effectiveness of the RSOO through the conduct of audits, etc.

6.2.5 ICAO may provide advice or propose the most appropriate course of action for required activities that the RSOO is not able to implement, or act in any other capacity deemed appropriate and necessary by member States. Furthermore, the Organization may be able to support development of financial assistance either through the SAFE fund, facilitation of funding by other States or support from other regional or international organizations. Extensive guidance on the different options for the funding of an RSOO has already been provided in Chapter 5 of this document.

6.2.6 Within the overall *Policy* and *Framework* adopted by ICAO for regional cooperation, the relationship between ICAO and an RSOO will normally cover a range of issues, to include arrangements for both organizations to attend each other's meetings, the sharing and exchange of safety information and data and the different types and levels of assistance to be provided by ICAO. If assistance is to be provided under the ICAO Technical Cooperation Programme (TCP), an additional agreement, such as a Management Service Agreement (MSA) may be established. The MSA includes further details on the assistance to be provided and on the related financial, logistical and administrative considerations that govern the provision of assistance under the TCP.

6.2.7 The provision of assistance is an important aspect of ICAO's role in relation to RSOOs. However, the fuller intent of the *Framework for Regional Cooperation* is to ensure that, in line with eight strategic thrusts, all areas of regional cooperation are covered. These include common efforts at harmonizing, between States, civil aviation legislation, regulations and procedures based on the implementation of ICAO SARPs; understanding each other's roles and responsibilities; establishing improved mechanisms for consultation and cooperation, including information sharing; coordinated programme planning and implementation between ICAO and the regional civil aviation bodies; periodic review of regional issues; maximizing the effective use of resources at ICAO; benefiting from each other's competence and expertise; and joint training and capacity building. Both the *Policy* and the *Framework for Regional Cooperation* enable the establishment of a mutually supportive relationship between ICAO and the RSOOs, in which ICAO assists the RSOOs and their member States to strengthen safety oversight capabilities within their respective regions, and, in turn, the RSOOs enable compliance with the ICAO SARPs.

6.3 RELATIONSHIPS WITH OTHER AVIATION-RELATED ORGANIZATIONS

6.3.1 The management of an RSOO entails establishing and maintaining relationships not just with ICAO but also with other aviation-related international and regional organizations, the donor community and industry partners. Having decided to establish an RSOO, and in order to enhance their safety oversight capability, member States may cooperate in all areas of international civil aviation, particularly in the safety, environmental and air traffic management fields, within their respective mandates, including but not limited to the following:

a) developing civil aviation legislation and regulations;

b) convening international events and meetings;

c) locating financial resources;

d) sharing safety information and data;

e) training technical and administrative personnel; and

f) identifying areas of common interest.

6.3.2 In establishing an RSOO, member States may engage in different levels of consultation and establish and maintain permanent relationships with other aviation-related organizations through:

a) the exchange of letters and documents;

b) links to websites;

c) mutual visits;

d) invitations to attend meetings; and

e) consultations and coordination.

6.3.3 Air operators, aircraft maintenance organizations and service providers are responsible for the safe, regular and efficient conduct of aviation operations, including compliance with any civil aviation legislation and regulations that the State of Registry, the State of the Operator and the State where the aircraft is operating may promulgate. The establishment of an RSOO and the adoption of harmonized or common requirements and procedures for the licensing of personnel, approval of aviation training organizations, certification of operators and approval of maintenance organizations should not increase the operational cost of the aviation industry. In fact, it may facilitate and streamline the certification and safety oversight process by harmonizing and providing systematic guidance material, operating procedures and other supporting information. Such collaboration within the region may assist the industry to expand its activities and achieve optimum utilization of aircraft and personnel as well as the mutual recognition of the certificates and licences issued by member States. It will also facilitate better enforcement activities to control operators and service providers that are deficient in their compliance with international standards.

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Chapter 7

IMPLEMENTATION OF A REGIONAL SAFETY PROGRAMME

7.1 INTRODUCTION

The *Safety Management Manual (SMM)* (Doc 9859) outlines in detail the components of a State safety programme (SSP) and a framework for its development and implementation. An effective SSP should serve as a prerequisite to the implementation of the safety management systems developed by service providers. This chapter discusses the implementation of a performance-based approach to the management of safety at the level of a region or subregion in the form of a regional safety programme (RSP), and the role of the RSOO in its development and implementation. The chapter looks at both the SSP components and framework and how they may be adapted to an RSP. Adaptation should be done in a manner such that the RSP is not just an aggregate of the safety programmes developed by the RSOO member States, but an over-arching programme that integrates the national plans into a harmonized or common whole, at the level of the region or subregion, and lends additional value to the individual SSPs.

7.2 COMPONENTS OF AN RSP

7.2.1 As was seen in Chapter 6, for an RSOO to remain effective in achieving its mandate, its approach to management should be performance-based with respect to meeting clearly defined objectives and be able to measure progress, analyse risk, provide quality assurance and aim for continuous improvement. The development and implementation of an RSP requires that the RSOO extend these same management principles towards strengthening the level of safety within its region or subregion. In this respect, the four components of an SSP, namely a safety policy and objectives, safety risk management, safety assurance and safety promotion may, with some adaptation, be equally applied to an RSP.

7.2.2 As will be seen, all of the four components can be applied to the development and implementation of a safety plan for an entire region or subregion as a whole. However, although some of the elements included under each component may already fall under the mandate of an RSOO, other elements may have to be adapted in order that they are relevant to the RSOO's role in the implementation of an RSP.

7.3 SAFETY POLICY AND OBJECTIVES

7.3.1 In the case of an RSP, this component would oversee the management of safety at the level of the region or subregion and would include a definition of the requirements, responsibilities and accountabilities of the RSOO and the civil aviation authorities of its member States. Likewise, the requirements and responsibilities of an independent accident investigation authority should be addressed under this component. To this end, consideration should be given to a regional accident and incident investigation organization (RAIO), as covered in *the Manual on Regional Accident and Incident Investigation Organization* (Doc 9946). The safety policy and objectives provide the overall direction of the RSOO and should be contained in the organization's agreement document and all the other documents that govern the

procedures, controls and corrective action processes used by the RSOO. The safety policy and objectives of the RSOO should also define the acceptable level of safety (ALoS[1]) to be achieved by the RSP.

7.3.2 The safety policy and objectives component can be broken down into four elements that include a safety legislative framework, safety responsibilities and accountabilities, accident and incident investigation and enforcement policy.

A safety legislative framework

7.3.3 States within a particular region or subregion may adopt a common legislative and regulatory framework or, where this might not be possible, aim to harmonize their different national requirements. As was seen with EASA, for example, the Basic Regulation enables the Agency to implement European Union (EU) air safety law with shared enforcement powers with the European Commission and the EU member States. However, currently it remains the only RSOO that has regulatory and executive powers. The majority of RSOOs do not operate within a common regional legislative framework but must work with the different national legislation and regulations of their member States. In these circumstances, the regional institutional framework for aviation safety is strengthened by harmonizing the different sets of national requirements, thus enabling regional cooperation in safety oversight and facilitating the role of the RSOO in providing services for its member States.

7.3.4 Common legislative and regulatory provisions may be different kinds of legal instruments issued by a multinational authority for its member States for adoption and incorporation into their national legal framework, based on State-specific rulemaking and/or constitutional requirements. Members form a legal entity through international treaty to comply with a set of common legislative and regulatory provisions and adopt them for application within their individual States. Some of the benefits of such a framework are the rapid development, amendment and distribution of civil aviation-related provisions for regional consistency and ease of implementation by States. However, disadvantages are the additional administrative resources needed for the collection, translation and distribution of such legal documents. Under the common regulatory system, a central authority has the obligation to develop regulations.

7.3.5 Typically the development of a common regulatory framework will take a number of years and may be implemented in a phased approach. For example, the competences of EASA were initially limited to airworthiness before expanding, in later years, to flight operations, personnel licensing, aerodromes and the safety regulation of air navigation services. Even in Europe, however, the State still retains the obligation to ensure that the aviation activities within its sovereignty are compliant with the common regulation and, in areas not covered by the common regulation, is still responsible for developing its own national laws and regulations.

7.3.6 In the absence of common legislative and regulatory provisions, a group of States may decide to harmonize their different national requirements so as to facilitate a seamless legal framework throughout the region or subregion. Individual States would continue to develop, promulgate and implement their legal requirements while additionally collaborating with other States for consistency, efficiency and standardized implementation. Often States utilize samples from other organizations to facilitate the challenge of harmonization, such as the United States Federal Aviation Regulations (FAR) or EU regulations or the jointly developed ICAO-FAA Model Civil Aviation Regulations (MCARs). Some of the benefits of harmonized legal requirements are regional collaboration while still retaining control of the development, promulgation and implementation of their own regulations. Some of the disadvantages are the administrative resources necessary to identify amendments to international standards and the required amendment of existing legislation and regulations. Although the RSOO can assist its member States to identify differences to the ICAO SARPs, States still have the obligation to report significant differences to ICAO.

1. Material on the definition of the ALoS in relation to both the SSP and the service provider's SMS can be found in Chapters 6 and 11 of Doc 9859. This material can be easily adapted for application to an RSP.

7.3.7 Both approaches contribute towards the effectiveness of the RSOO by facilitating the conduct of surveillance activities and the regional understanding of international aviation safety obligations. As an example, the Latin American Civil Aviation Commission (LACAC) has close economic relations with both North America and Europe. It developed the Latin American Aviation Regulation (LAR) to harmonize regional civil aviation regulations among its member States and also with the United States FAR and European requirements. Furthermore, both approaches lead to a more seamless aviation infrastructure and reduce the workload of the service providers and inspectorate to understand and comply with multiple State aviation requirements within the region.

Regional safety responsibilities and accountabilities

7.3.8 In the same manner that the requirements, responsibilities and accountabilities for the establishment of an SSP must be clearly identified and documented at the level of the State, the same holds true with respect to the region. The responsibilities and accountabilities of both the RSOO and its member States for the development and implementation of an RSP must be clearly defined and documented. This starts with properly reflecting, in the RSOO agreement document, the responsibilities and accountabilities of the RSOO and its member States and ensuring that the same information is available in internal documents on the policy and procedures of the organization. Business and financial planning for the establishment and running of the RSOO should make provision for its long-term sustainability. The preparedness of member States to make their financial contributions or pay for services provided by the RSOO is an indication of their commitment to both the RSOO and the effective implementation of an RSP.

Aircraft accident and incident investigation

7.3.9 With respect to the operation of an SSP, aircraft accident and incident investigation should be kept independent of other State aviation organizations. Similarly, aircraft accident and incident investigation should not be a function of an RSOO. In cases where an aircraft accident and incident investigation function has been delegated to the regional level, a completely separate regional accident and incident investigation organization (RAIO) should be established. Although there will be areas that require a degree of cooperation and collaboration between an RSOO and an RAIO, it is important that both these organizations be functionally independent of each other.

Enforcement policy

7.3.10 Most of the currently existing RSOOs play no direct role and have no powers with respect to enforcement. Even in the case of EASA, which more than any other RSOO has the authority of a regulator, enforcement powers are very limited. For the most part, legal remedies for individuals and enforcement means are still provided by the judicial systems of the member States and the European Commission. Although the application of European Union law, particularly with respect to the evaluation of conformity with binding standards (certification), may be delegated to the Agency, such delegation of executive powers remains very exceptional and only when centralized action is the sole means of achieving uniform implementation and efficiency.

7.3.11 The RSOO's role is to support its member States in meeting their obligations with respect to licensing, certification, authorization, approval, surveillance and resolution of identified safety deficiencies, i.e. essentially the activities covered by the safety oversight critical elements 6, 7 and 8. In doing so, it may advise and make recommendations to member States on actions to be taken in the event that a licence or certificate holder fails to correct deficiencies within specified deadlines. In order to do so, however, the RSOO's inspectors need to be familiar with the enforcement procedures and means of each of the RSOO's member States. To facilitate this process, and particularly in an SMS environment, the RSOO's member States should ensure they prepare and make available to the RSOO an enforcement policy and associated procedures that follow the guideline provided in Appendix 4 to Chapter 11 of Doc 9859.

7.3.12 In turn, the RSOO should ensure that this information is included in its policy and procedures manual (or equivalent document). The manual should also contain a clear definition of the RSOO's own role with respect to enforcement, and instructions for its inspectors on actions to be taken and procedures to be followed in the event an enforcement action is warranted as a result of surveillance activities carried out by the RSOO.

7.4 REGIONAL SAFETY RISK MANAGEMENT

7.4.1 An RSOO is expected to assist its member States in the implementation of their SSPs and more specifically, in the development of the requirements that govern how operators and other service providers identify hazards and manage safety risks. It may even be required to assist States in reviewing the safety performance of service providers. However, more than just assisting States in implementing their national programmes, the RSOO can play an important role in identifying safety hazards that are common to the region or subregion and recommending actions that will mitigate the associated risks.

7.4.2 In several regions of the world, initiatives aimed at identifying aviation safety hazards at the national, regional and international levels have been ongoing for many years. In 1998, a combined initiative by the U.S. Government and industry led to the creation of the Commercial Aviation Safety Team (CAST) that aimed to reduce fatal aircraft accident levels in the U.S. by 80 per cent by 2007 and to achieve a continuous reduction in fatality risk both in the U.S. and with respect to international commercial aviation beyond 2007. CAST has led to the creation of similar initiatives in other parts of the world, to include the European Strategic Safety Initiative (ESSI) in Europe and the former Pan-American Aviation Safety Team (PAAST), replaced now by the Regional Aviation Safety Group — Pan America (RASG-PA). In the case of Europe, EASA produces a safety plan which provides, in a single document, a description of the hazards and risks that are considered to be worthy of action at the regional level. The risks are identified using information from member States as well as safety data available to EASA. The safety plan covers a period of four years, is updated annually and describes specific work streams designed to address specific issues. The work streams address not only operational issues but also systemic issues and list clear deliverables in the area of regulation, oversight or safety promotion.

7.4.3 The process of establishing regional safety teams continued with a number of the COSCAPs establishing regional aviation safety teams (RASTs) of their own for the same purpose. So there is currently a RAST associated with the COSCAP for South East Asia (the SEARAST), another associated with the South Asian COSCAP (SARAST) and a third associated with the COSCAP for North Asia (the NARAST). Similarly, in Africa, prior to transitioning to the BAGASOO, the BAGRAST had been established by the COSCAP-BAG. All these teams share a common goal, which is to identify, select and analyse safety issues and, in response, to develop and implement action plans.

7.4.4 In 1997, ICAO developed the first version of its Global Aviation Safety Plan (GASP) by formalizing a series of conclusions and recommendations jointly developed by ICAO and industry. In 2007, a second version of the Plan was published, this time based on the Global Aviation Safety Roadmap that was developed by an industry group known as the Industry Safety Strategy Group (ISSG) in close collaboration with ICAO. The Global Aviation Safety Roadmap was built on data-driven regional initiatives, such as the CAST, ESSI and PAAST, and includes best practices that enable the existing groups to identify safety issues and mitigate risks. The Roadmap's best practices further invoke regions to develop their own safety risk metrics and rationale and for qualitative and quantitative risk assessment techniques to be adopted and shared worldwide.

7.4.5 COSCAPs that have already established RASTs benefit from having a mechanism in place that enables them to identify and manage safety risks common to the region. Those COSCAPs that have not already established a RAST should endeavour to do so. When a COSCAP transitions to an RSOO or when an RSOO is developed where no COSCAP existed before, a RAST should either be maintained or established. The RSOO may wish to establish the RAST either as one of its technical committees or as a stand-alone team. However, no matter how the RAST is established, it must be remembered that its effectiveness rests on the active participation of representatives from both the State entities and industry.

7.5 REGIONAL SAFETY ASSURANCE

7.5.1 An RSOO can contribute towards strengthening the safety oversight capabilities of its member States and, on their behalf, monitor the levels of implementation of the eight critical elements of safety oversight throughout the region or subregion. In addition, and similar to the requirements of a safety programme at the State level, the RSOO can assist its member States in capturing and storing data on hazards and safety risks and ensure that this information is used to prioritize oversight activities throughout the region.

Safety oversight

7.5.2 The RSSO may also be responsible for a regional scheme of inspections of member States (such as in the EU EASA standardization inspections). Such a scheme helps to ensure uniform implementation of common regulations and identifies the weaknesses in the safety oversight systems of member States. In future such regional schemes could also effectively interact with the ICAO continuous monitoring approach. An effective safety oversight system is an essential prerequisite for the implementation of a safety programme, either at the level of the State or of the region. Without the effective implementation of the eight critical elements of safety oversight, it is not possible to establish a sound safety programme capable of identifying and mitigating safety risks within the State or region. The critical elements of a safety oversight system are essentially the safety defence tools required for the effective implementation of safety-related legislation and regulations, policies and procedures. Member States are expected to implement the critical elements in a manner that assumes the shared responsibility of the State and the entire aviation community of the region. The critical elements of a safety oversight system are described in considerable detail in Part A of this manual.

7.5.3 At the level of the region, the eight critical elements of safety oversight apply equally well to an RSOO, in that an RSOO is expected to operate within a common or harmonized regulatory environment that facilitates the implementation of its mandate. It is also expected to have a sound organizational structure, consisting of an ED/CEO supported by an adequate number of suitably qualified and experienced technical and non-technical staff. The RSOO should also be funded so as to sustain its activities in the long term and be provided with a mandate that clearly defines the nature of those activities. The RSOO should also have the means to train its staff and to provide them with the technical tools, equipment and guidance material to effectively accomplish their tasks. The RSOO should be equipped to support activities related to licensing, certification, authorization, approvals, surveillance and resolution of safety deficiencies of its member States, irrespective of whether it undertakes some of these functions directly or carries out activities in support of them. Lastly, with respect to resolving safety concerns, the RSOO should be able to analyse safety deficiencies within the region and make recommendations for their resolution.

7.5.4 Many of the issues relating to the critical elements, such as legislative and regulatory frameworks, organizational structure, resolution of safety concerns and enforcement have already been considered in the preceding chapters of this manual or earlier in this chapter. Issues related to the training of the RSOO's staff will be discussed in Chapter 8. The remaining parts of this chapter will address the provision of technical guidance, tools and equipment for the RSOO's inspectors and the activities of the RSOO in relation to licensing, certification, authorization, approvals, surveillance and resolution of safety deficiencies.

Guidance material, procedures and processes

7.5.5 Critical Element 5 of a safety oversight system, i.e. the provision of technical guidance, tools and safety-critical information, is as relevant to the effectiveness of oversight at the level of the region as it is at the level of the State. The RSOO should develop and provide all technical personnel with guidance on how to accomplish their specific functions, including procedures for evaluating documentation and demonstrating its operational suitability for the initial and continued licensing, certification, authorization and approval of applicants. ICAO has developed and published a variety of technical guidance material to assist States in implementing the provisions of the Annexes to the Chicago Convention that may also be used by the RSOO.

7.5.6 Whenever possible, the RSOO should utilize existing material, with necessary modifications to meet the local situation and requirements. However, the RSOO may also need to develop and publish its own technical guidance material to assist its technical experts in the implementation of legislative and regulatory requirements, processes, procedures and practices. It is also essential that guidance be provided to inspectors on the overall running of the RSOO, its policies and procedures. This may be in the form a policy and procedures manual, a sample table of contents of which is contained in Appendix C.

7.5.7 In the case of Europe, a region governed by a common aviation legislative and regulatory framework, the common requirements that are promulgated by the EU rulemaking bodies with direct applicability in EU member States and the policies, procedures and other guidance material developed by the RSOO should facilitate the processes and procedures needed for the issuance of common personnel licences, certificates, authorizations and approvals in member States. RSOO technical experts and national inspectors will also establish an active exchange of information and technical skills in order to provide continuous and harmonized oversight of aviation activities within the region. This should result in increased efficiency and effectiveness, optimum user satisfaction and the optimization of member States' resources.

A *harmonized or common certification and licensing system*

7.5.8 A harmonized or common civil aviation legislation, regulations and procedures for the licensing of personnel, approval of aviation training organizations, certification of operators, approval of maintenance, design and production organizations, and certification of aerodromes should help to reduce the operational costs of both the civil aviation authority and the aviation industry, thereby facilitating healthy industry growth in member States. More importantly, it should ensure that all the above-mentioned activities are conducted in a standardized fashion within a region or subregion and encourage the seamless conduct of inspections. Furthermore, it should facilitate the training of inspectors and RSOO technical staff. Harmonized or common legislative and regulatory requirements and procedures will contribute towards enhancing the level of air transport safety in the region and remove conflict between various national requirements and procedures due to amendments to the SARPs.

7.5.9 Where common legislation and regulations are implemented, authority for the conduct of licensing, certification, authorization and approval activities, including the issuance of related documents, may be delegated to the RSOO. In practice, however, the degree of delegation will depend on the resources available to the RSOO and political and legal considerations peculiar to the region. Usually, the RSOO's certifying and licensing authority will be limited to certain areas and may be exercised only when centralized action is the sole means of achieving standardized or uniform implementation. With time, however, and as the case may be, the scope of an RSOO's certifying and licensing authority may expand into other areas.

7.5.10 In 2003, for example, EASA took over responsibility for the airworthiness and environmental certification of all aeronautical products, parts and appliances that are designed, manufactured, maintained or used by persons under the regulatory oversight of EU member States. It now also focuses on the approval of design, production and continued airworthiness organizations within the scope of Article 20 of the EASA Basic Regulation. Furthermore, its responsibilities include the approval of flight crew organizations (specifically type training organizations, flight training organizations and aeromedical centres) that are located in non-European Union/European Economic Area/European Free Trade Association (EU/EEA/EFTA) member States. Lastly, it issues, again under the scope of the Basic Regulation, authorizations to third country operators wishing to fly to an EU/EEA/EFTA member State.

7.5.11 However, even in areas where EASA has the authority to issue certificates or approvals, it does not perform all the certification work itself. Some of the work required for design approvals is contracted to the civil aviation authorities of member States, and they do part of the work related to approvals for organizations on behalf of EASA.

7.5.12 Where a harmonized regulatory framework prevails in a region, the civil aviation authorities of member States will remain the sole authority for the issuance of licences and operator certificates, approval of aircraft maintenance

organizations, approval of design and production organizations, and approval of training centres. The role of the RSOO is to carry out tasks, such as inspections, audits and surveys, necessary for supporting the issuance of certificates, licences and approvals by the State CAA. In all circumstances, the RSOO can also support the licensing, certification, authorization and approval functions of its member States in other ways, such as providing training and arranging workshops. Furthermore, it can conduct audits aimed at identifying and rectifying deficiencies in the State's processes and system and ensuring their standardization throughout the region.

Surveillance

7.5.13 A Contracting State's obligation and responsibility for a safe and orderly international civil aviation system does not end with the issuance of a licence, certificate, authorization or approval. Maintenance of continued safe operations, particularly during periods of significant change, demands that a State also establish a system of ensuring continuing organizational, as well as individual, professional competency of licence/rating/certificate/authorization/approval holders; continuing validity of licences/ratings/certificates/authorizations/approvals; continuing capacity of training organizations, operators, maintenance, design and production organizations and other service providers, as applicable, to maintain a safe and regular operation.

7.5.14 The maintenance of continued safe operations can be assured only if the State's CAA is in a position to attract, recruit and retain experts with the requisite level of competency and expertise. Lack of appropriate competency and expertise in many States, resulting from inadequate resources, necessitates an alternative solution to enable States to meet their safety obligations. The role of the RSOO, therefore, is to assist member States in carrying out these obligations and responsibilities by providing highly skilled technical personnel for the surveillance of licensed personnel, approved organizations, certified air operators and holders of authorizations. This shared responsibility should also allow for more optimal utilization of such highly skilled technical experts, thereby allowing them to maintain their skills and exchange current safety information with a greater number of national safety inspectors. This can include certification and inspection of flight crew, competency checks of air traffic controllers, certification of aerodromes and others, as applicable.

7.5.15 The required surveillance and related inspections should be planned and conducted by RSOO technical experts whenever such services are necessary or requested by a member State. In this respect, RSOO personnel, including inspectors, must be appropriately qualified and be in possession of current and appropriate credentials identifying them as technical experts of the RSOO, approved or accepted by the civil aviation authorities of member States. The right of the RSOO staff responsible to have unrestricted access to inspect aircraft, documents, aerodromes, air traffic services and other related facilities must be clearly established in the RSOO agreement document, as mandated by each of the member States and reflected in the personal identification of each inspector.

7.5.16 The surveillance function should be accomplished on a continuing basis, performed at specified times or intervals or conducted in conjunction with the renewal of a licence, certificate, authorization or approval. Scheduled inspections must be augmented by random inspections of all aspects of the operation. In the case of an air operator or maintenance organization, regardless of the method used for surveillance, all significant aspects of the air operator's or maintenance organization's procedures and practices should be evaluated and appropriate inspections conducted regularly, with sufficient monitoring in order to ensure that safety risk management and corrective actions are being achieved. Within the context of an RSP, the RSOO should endeavour to prioritize its inspections, audits and other surveillance activities towards those safety areas that have been identified by its analysis of hazards and assessed safety risks prevalent in the region.

7.5.17 RSOO technical personnel and inspectors conducting surveillance should carry out such activities in a thorough manner to demonstrate that operations and/or maintenance of competency are being carried out in accordance with the requirements of the licence, certificate, authorization or approval issued.

7.5.18 The surveillance and inspection programme should provide a comprehensive and conclusive assessment of the maintenance of competency of licence/certificate/rating holders and of the continuing compliance of air operators,

maintenance organizations and other service providers, as applicable. Moreover, the associated inspection reports should indicate whether the surveillance process and procedures employed by the RSOO are effective. Each member State retains the responsibility for ensuring that the work carried out by the RSOO is done by appropriately qualified, experienced and trained technical experts, in compliance with the applicable requirements and in accordance with developed procedures. To the greatest extent, national inspectors should accompany regional technical experts when conducting oversight functions in order to acquire harmonized inspection and oversight techniques and to assist in the collection of safety information for the resolution of identified deficiencies and for documentation and data analysis of safety information. Information on all matters relating to the conduct of surveillance, including the role of the RSOO inspectors and the credentials to be awarded to RSOO inspectors, should be included in the RSOO's policy and procedures manual or equivalent document.

Safety data collection, analysis and exchange

7.5.19 Successful safety strategies have, for a long time, relied on the constant flow of safety data and the analysis of that data to develop safety information and indicators. A vast amount of data has been provided through voluntary and mandatory reporting systems. The SSP and the SMS of service providers rely on a constant flow of safety data to measure the extent to which the activities encompassed by these systems are meeting their respective objectives. The RSOO needs to develop and implement a strategy for collection, analysis and action based on critical safety indicators in order to ensure its effectiveness and focus new work plans on the most safety-critical conditions.

7.5.20 The RSOO should establish procedures for sharing safety-related information as well as reports of its findings among member States. As the organization undertaking safety oversight-related tasks on behalf of member States, it has the responsibility to ensure that every member State is well informed about the situation in every other member State with respect to safety oversight.

7.5.21 The RSOO can also serve as a repository of voluntary reporting and safety-related information to ensure that safety-critical information is made available to States and the aviation industry, as applicable. One advantage of utilizing the RSOO as a safety information collection centre is that this enables the RSOO to collect and, if necessary, de-identify the source of the information in order to provide anonymity or protection of the reporter. The sharing of safety information fully supports the implementation of service provider SMS and State SSP processes. Furthermore, a regional safety reporting process ensures de-identification and anonymity and thus encourages reporting and analysis of safety information. Several examples of confidential and voluntary safety reporting systems are provided on the ICAO website at www.icao.int/fsix. In the event that a region has both an RSOO and an RAIO, a determination would have to be made as to which organization would manage the accident and incident database. A process would then also have to be developed to ensure close coordination and cooperation between the two organizations.

7.5.22 Aggregation of the data at the regional level represents a number of benefits for the participating member States. First of all, data aggregation provides for greater confidence that the data are both reliable and balanced. Enhanced data exposure also gives better possibilities for conducting comparative analyses. Finally, aggregation enhances the ability to pinpoint trends through predictive modelling. Especially from the perspective of smaller States, with limited aviation activity, access to high-quality aggregated data allows them to cross-check their own safety issues, which may not be so evident on limited data sets. From the regional perspective, high-quality aggregated data are expected to help better identify and analyse specific air safety issues and trends of a regional nature, as well as to monitor the overall performance of the regional aviation safety system.

7.5.23 Member States should also be encouraged to directly share safety-related information with each other as well as with other ICAO Contracting States to the Chicago Convention. The non-sharing of safety-critical information among States, although such information may already be known to one or more States, has been identified as a serious shortcoming with the potential for a negative impact on safe aircraft operation. It is believed that had some safety-critical information been freely shared among States, a number of aircraft accidents could have been prevented.

7.5.24 It is very important that the RSOO maintain a record and copies of all reports disseminated and of all safety-related information transmitted to member States so that such reports and information can be retrieved for accident prevention purposes when necessary. It will be a key function of RSOO technical experts to discuss the information developed from regional data collection and to further encourage member States to provide additional inputs to the reporting system. It is also essential that the technical experts discuss the importance of such reporting and convince State officials that an increased number of reports is vital to the success of the safety analysis process and is not an indication of increased deficiencies.

7.5.25 A number of databases, and software tools for their development, are available for the purpose of facilitating the collection, analysis and sharing of safety information. One such reporting tool is the European Coordinated Centre for Accident and Incident Reporting Systems (ECCAIRS), which was first developed by the European Commission as a means of collecting information on safety occurrences and providing European States with a compatible data collection and storage format. The overall mission of ECCAIRS is to enable the collection, sharing and analysis of safety information in order to improve public transport safety. The first production version of the ECCAIRs reporting tool (Release 3) was distributed in 1998, followed, in 2003, by an improved update (Release 4) that supported newly introduced ICAO Standards. Although the current version is fully compatible with the ICAO ADREP system, further updates to ECCAIRS will continue to be made.

7.5.26 The ECCAIRS reporting tool allows the collection and exchange of information on occurrences in a standardized fashion and is now currently being used throughout Europe and in other regions of the world. It is made available free of charge by ICAO to States and RSOOs and is supported by training.

7.6 REGIONAL SAFETY PROMOTION

An RSOO is expected to undertake activities aimed at promoting safety within the region. These activities will consist of the development and conduct of training courses for both its own technical staff and the inspectors and other staff of its member States. Other activities may consist of the publication of newsletters and bulletins aimed at keeping both member States and the aviation industry informed of regional safety issues and the efforts being made to resolve them. In addition, as is the case with existing RSOOs, a website provides a very effective means of disseminating information.

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Chapter 8

TRAINING PROGRAMME OF THE REGIONAL SAFETY OVERSIGHT ORGANIZATION

8.1 TRAINING OF INSPECTORS AND OTHER TECHNICAL STAFF

8.1.1 Training and retention of inspectors and other technical staff has long been recognized as a challenge for emerging States and developing regional aviation systems. ICAO safety audit results for Critical Element 4 — Technical personnel qualification and training, identify technical training as one of the highest priorities for Contracting States. Additionally, several of the global safety initiatives (GSIs) of the GASP are directly related to training. GSI-11 — Sufficient number of qualified and experienced personnel — in particular, addresses the need for both the aviation industry and the regulatory authorities to have access to a sufficient number of qualified and experienced staff to support their activity. Recruitment, retention and training of qualified personnel both at the State and regional level are challenging, but an essential obligation of States.

8.1.2 The RSOO must determine the minimum qualifications and experience requirements of its technical personnel and also provide for the technical, legal and administrative training necessary for them to effectively accomplish their duties and responsibilities. Technical personnel represent the RSOO and, as such, require the continuing development of their knowledge and skills related to their respective responsibilities. This should be accomplished through initial, on-the-job, recurrent and specialized courses in all the disciplines for which the personnel are responsible. Participation in seminars and workshops organized by ICAO and international and regional aviation-related organizations can also enable RSOO technical staff to enhance their competence and share experience with experts from other regions.

8.1.3 Training by and for regional experts and technical staff is a continuous and dynamic programme. Typically, training has three phases: initial, on-the-job and recurrent training. Training of RSOO personnel shall not be limited to strictly professional elements such as the maintenance of competency and currency. It is essential that inspectors also have training on subjects such as applicable civil aviation legislation and regulations; inspectors' skills, knowledge, duties and responsibilities; and procedures for the implementation and enforcement of requirements. Periodic practical and theoretical specialized (technical) training, including courses in technical report writing and supervisory training, will enable technical personnel to maintain a high level of knowledge and expertise and undertake their duties and responsibilities in an effective and efficient manner.

8.2 COMPETENCY REQUIREMENTS

8.2.1 The RSOO's training policy, safety management requirements, resource management and training process design should be considered by the training coordinator, when initiating a training programme, to ensure that the required training will be directed toward satisfying the RSOO's training needs. The results of various State audits and service provider evaluations, along with inputs from SMS and SSP reporting programmes, will be key indicators of training needs and the prioritization of such needs.

8.2.2 Competency requirements must also be documented. This documentation can be reviewed periodically or whenever necessary as tasks and responsibility assignments are allocated and the performance of each staff member is

assessed. The definition of the RSOO's future needs, relative to its strategic goals and training objectives, including the required level of competence of personnel, may be derived from a variety of internal and external sources, as follows:

a) organizational or technological changes that affect work processes or have an impact on the nature of services provided by the organization;

b) training objectives reviewed and amended, as identified during the RSOO's technical committee review meeting;

c) data recorded from past and current training;

d) the RSOO's appraisal of the competence of each staff member and national expert seconded from member States for performing specified tasks;

e) turnover or seasonal fluctuation records involving experts available in member States;

f) internal or external certification needed for the performance of specific tasks or functions;

g) requests from RSOO technical personnel identifying opportunities for personal development, which will contribute to the organization's objectives;

h) the result of process reviews and corrective actions taken due to customer complaints or reports of nonconformity;

i) directives from member States' civil aviation authorities and/or technical committee directives or standards affecting RSOO activities and resources; and

j) identification or anticipation of new service provider requirements.

8.2.3 The training coordinator should conduct a regular review of the documents that indicate the competency required for every process and of the records that list the competencies of each staff member and national expert seconded from member States. The review should be related to task requirements and related performance. Different methods can be used to review the competencies of technical personnel, such as:

a) interviews/questionnaires with supervisors and managers;

b) observation of training or task performance;

c) group discussions; and

d) input from subject-matter experts.

8.2.4 The training coordinator and technical personnel should harmonize the training process within member States in order to reinforce consistent technical training and facilitate the utilization of national technical experts by the RSOO in order to achieve a higher level of competence of its inspectors and maximize regional safety training opportunities.

8.3 TRAINING POLICY AND OBJECTIVE

8.3.1 One of the stated objectives of the RSOO should be the institution of a regional training policy in order to provide the technical personnel of member States with specialized training courses and seminars/workshops. The aim of

such a policy is to develop the skill, knowledge and aptitude needed for the preparation and implementation of common or, as the case may be, harmonized aviation requirements and procedures, as well as for the conduct of the licensing, certification, authorization, approval and surveillance activities. Training should also prepare inspectors for the implementation, throughout the region, of the concepts of SSP and SMS. The training objectives should be further enhanced through the implementation of relevant ICAO SARPs, associated procedures, guidance material and safety-related practices, and the effective execution of the critical elements of a regional safety oversight system. These training objectives should be reviewed, evaluated, updated or replaced, as deemed appropriate, using a continuous assessment, process-based approach.

8.4 TRAINING PROGRAMME

8.4.1 The training and administrative coordinator (TAC) or a person with similar authority should be in charge of the development and implementation of the RSOO training programme. The TAC, assisted by a training officer/assistant, should periodically evaluate the training needs of the technical personnel assigned to functions and responsibilities related to the licensing, certification, authorization, approval and supervisory processes. The RSOO training programme must support the needs of not only the RSOO technical staff, but all relevant staff. Such training should also have appropriate qualification or testing procedures to ensure that training objectives are effectively mastered and successful completion is not solely based upon course attendance.

8.4.2 Different levels of training will be needed for RSOO technical staff and the national inspectors of member States. During the initial implementation of the training programme, specific training in safety oversight will have to be provided to the technical personnel involved in the development of licensing, certification, authorization, approval and surveillance procedures. Once the RSOO is established, the training needs of other national inspectors should be addressed in order to strengthen the safety oversight capability of member States.

8.4.3 An analysis of training needs should be conducted on the basis of competencies required in the job description of each staff member, and training addressing those needs should be developed and delivered to the personnel concerned. In this way, personnel will have a clear understanding of their qualification and proficiency requirements. Furthermore, those wishing to advance to new positions of responsibility will have a well-defined criteria for training and qualification.

8.4.4 The training programme's technical indoctrination, initial qualification and on-the-job training of new personnel, as well as the specific, recurrent and external training of existing personnel, should ensure that RSOO technical staff, along with State technical staff, are competent and aware of the importance of their activities and that they understand how they contribute to the overall achievement of the organization's policy and objectives. Development of applicable and harmonized technical reference material and systematic on-the-job training are essential to the efficient and effective implementation of the RSOO.

8.4.5 The proper coordination of a regional safety training programme would also prevent duplication of training efforts as well as ensure that adequate notification of training courses is provided and attendance encouraged in order to optimize training opportunities. If training is provided through the services of an external training service provider, the RSOO should continually monitor the quality of the training provided to its staff. The success of the training activities will depend, in part, on the effectiveness of the interactions between the TAC, the training service providers and the trainees.

8.5 TRAINING PLAN AND REQUIREMENTS

8.5.1 In order to close the gap between the existing and required competence of RSOO and State technical experts, the TAC should closely monitor the following stages of the training process:

a) determination of training needs;

b) design and planning of training;

c) provision of training; and

d) evaluation of training outcomes.

8.5.2 Through their participation in the training process, RSOO personnel (along with seconded national experts whose competence is being developed through the regional training programme) will develop a sense of ownership in the success of the regional safety oversight programme. This sense of ownership will instil a safety culture that encourages regulatory compliance. The RSOO training process should be monitored on an ongoing basis and improved or amended as deemed necessary especially when new members or new oversight obligations are added.

8.5.3 The RSOO training programme should be an integral part of its regular activity, and RSOO technical personnel and seconded experts from member States should be adequately trained, properly qualified and fully experienced to perform their jobs. In addition to any technical training, staff should also be provided with training in the overall responsibilities and activities of the RSOO and the means with which it supports the regional safety oversight system. Training should include, but not be limited to, management policies, the development and/or harmonization of State legislation and regulations, and procedures for licensing, certification, authorization, approval and surveillance.

8.5.4 The RSOO should also take advantage of external training programmes provided by international or regional organizations and the aviation industry. It is very common for international or regional organizations such as the United States Federal Aviation Administration (FAA), EASA, and the European Organisation for the Safety of Air Navigation (EUROCONTROL), aircraft manufacturers or airlines to periodically offer training courses or seminars/workshops with the objective of enhancing the knowledge and skills of aviation personnel. Such external training programmes may benefit RSOO staff as well as the technical staff of member States and enhance the RSOO's capability to assist member States in meeting their safety oversight obligations. Advantage should also be taken of the courses offered by ICAO, including the ICAO-endorsed government safety inspector training.

8.5.5 If training is provided through the services of an external training provider, the RSOO should continually monitor the quality of the training provided. The success of the training activities will depend in part on the effectiveness of the interactions between the TAC, the training providers and the trainees. The goal of such training is for the trainee to be able to perform safety oversight tasks with minimal supervision until achieving proficient qualification and then be able to conduct such oversight independently.

8.6 TRAINING EVALUATION

8.6.1 The purpose of the training evaluation is to confirm that both the organizational and training objectives have been met. Input used to evaluate training outcomes includes the specifications for training needs for the regional training programme and the records from the delivery of the training. It should be recognized that the results of the training often cannot be fully analysed and validated until the trainee can be observed and tested on the job.

8.6.2 Evaluations should be carried out on both a short-term and long-term basis as follows:

a) In the short term, trainees' feedback should be obtained regarding the training methods used, as well as the knowledge and skills gained as a result of the training.

b) In the long term, improvement in the trainees' job performance and productivity should be assessed along with solicited comments from service providers.

8.6.3 Training evaluation/monitoring should be conducted on the basis of established competency requirements. The main purpose of monitoring is to ensure that the RSOO training programme is being managed and implemented as required so as to provide objective evidence that the programme is effective in meeting RSOO training requirements. Monitoring involves reviewing the entire training process at each of the four steps previously described (see 8.5.1). The technical committee and its technical panels will also be useful in the development and monitoring of training programmes, plans and material in order to ensure they remain current and applicable to the needs of the RSOO.

8.6.4 Inputs for monitoring may include all records from all stages in the training programme. Based on these records, a review of the different stages can be performed to detect nonconformity issues for corrective and/or preventive actions. Such input can be collected on an ongoing basis to provide the basis for validating the training programme and for making recommendations for improvement. When the RSOO has insufficient resources to conduct an internal assessment, or when an internal evaluation indicates the training programme is deficient, an external assessment and further external training resources may be required to achieve the appropriate level of competence.

8.7 MAINTENANCE OF TRAINING RECORDS

Records of the training history of all RSOO technical personnel and of the national experts seconded from member States should be maintained at all times. Training records of all staff should be stored in a secure place where their confidentiality and protection should be maintained at all times. When possible, a backup copy of all competency and training-related information should be maintained in a separate location in case of loss or destruction of files in their primary location. The TAC and individual staff members are responsible for ensuring that training records are kept up to date and that their confidentiality is ensured at all times. Furthermore, when periodic currency training is required, the record management process should provide early notification and scheduling of such recurrent training in order to ensure no gaps or lapses in qualification.

Appendix A

EXAMPLE OF AN ACTUAL RSOO AGREEMENT DOCUMENT

LETTER OF UNDERSTANDING
between the
Members States of the Banjul Accord Group (BAG) and the
AFI Comprehensive Implementation Programme (ACIP)
on arrangements for the provision of support to the
BAG Member States on the basis of
Council Decision C-DEC 185/6 of 3 November 2008

Whereas the BAG Member States has undergone a specific gap-analysis on the basis of the Global Aviation Safety Plan (GASP) as recommended in ICAO Assembly Resolution A36-1;

Whereas safety oversight audits conducted by ICAO have indicated that many African States need to join resources in order to meet their safety oversight obligations;

Whereas following the gap-analysis conducted by ACIP the BAG Member States has determined the priority actions to resolve the gaps that have been identified through the process during the 10th Plenary Session of the COSCAP-BAG (Banjul, the Gambia, 30-31 October 2008);

Whereas the priority actions determined by the BAG Member States were reviewed by ACIP and presented to the ICAO Council during the Sixth Meeting of its 185th Session (Montreal, 3 November 2008);

Whereas the ICAO Council has instructed ACIP to provide the necessary support to the BAG Member States (C-DEC 185/6 refers) for the effective implementation of the priority actions determined by the 10th Plenary Session of the BAG States;

Bearing in mind the commitment of each Contracting State to accelerate the implementation of the Global Aviation Safety Plan (GASP) and the Global Safety Initiatives;

Recalling that COSCAP-BAG was established with a view of preparing for a transition towards a Regional Safety Oversight Organization;

Recognizing that the establishment of Regional Safety Oversight Organization and Regional Accident Investigation Agency would result in an effective and sustainable safety oversight capability and allow the BAG Member States to reap the economic benefits of using joint resources;

Bearing in mind that regional safety oversight and accident investigation functions cannot be achieved in one step, but rather by means of a transition facilitated by specific processes and procedures leading to a permanent arrangement;

Noting Council Decision (C-DEC 185/6) to support the BAG member States in the development and implementation of the framework of the BAG Regional Safety Oversight Organization (BAGASOO) and Regional Accident Investigation Agency (BAGAIA) to be established;

have agreed as follows:

1. GENERAL

1.1 The aim of this Letter of Understanding on arrangements for the provision of Support to the BAG member States on the basis of Council Decision C-DEC 185/6 of 3 November 2008 is to establish a working relationship between the BAG Member States and ICAO/ACIP for the accelerated implementation of the priority actions determined and the subsequent establishment of the Regional Safety Oversight Organization, Regional Accident Investigation Agency, development of the operational regulations, guidance manuals for the implementation and operations of the Regional Organizations, and the development of Regional Safety Programme (RSP), and Safety Management System (SMS) relevant to the BAG Region.

1.2 BAG Member States request the support of ICAO for the following activities:

a) Development of a framework and implementation plan for the establishment of the BAG Regional Safety Oversight Organization, including transitional arrangements;

b) Development of a framework and implementation plan for the establishment of the BAG Regional Accident Investigation Agency, including transitional arrangements;

c) Development of operational regulations and guidance material for the effective operations of the two regional organizations specified in (a) and (b) above, taking into consideration work undertaken by the COSCAP-BAG and BAG Member States;

d) Development of a guidance manual for the implementation of a Regional Safety Programme, taking into consideration work undertaken by the COSCAP-BAG and BAG Member States;

e) Development of a plan for the effective implementation of the service providers' Safety Management System, taking into consideration work undertaken by the COSCAP-BAG and BAG Member States.

2. DUTIES AND OBLIGATIONS

2.1 ACIP Inputs:

a) ACIP will provide the expertise required to implement the priority actions specified in 1.2 above and shall also bear the costs associated with the work of its staff members and experts engaged in the implementation of the priority actions, as may be required in the course of the project.

b) ACIP will execute the project in coordination and cooperation with BAG Member States, the BAG secretariat, the COSCAP-BAG and the ICAO Regional Office for Western and Central Africa (WACAF).

c) ACIP will recruit the required experts, process travel arrangements, maintain financial accounting records, provide technical backstopping and project management as well as timely and accurate reporting.

d) ACIP shall ensure continuity of the provision of the agreed services notwithstanding its contract with personnel and/or services contractors.

e) In the performance of the duties stipulated in the terms of reference of their respective contracts, the personnel or subcontractors shall work under the full control and supervision of ACIP and will remain responsible to ACIP at all times.

f) ACIP assigned experts shall collaborate closely with their respective counterparts, execute the project in conformity with such guidelines as ACIP may establish in consultation with the WACAF Office, BAG member States and the COSCAP-BAG.

2.2 BAG Member States inputs:

a) Each BAG Member State shall provide local counterparts, support personnel and office facilities during the visits of the ACIP experts to the respective countries, as well as ensure coordination with other departments and organizations and facilitate locally, the data collection, information gathering, and consultation as may be required by ACIP and the ACIP appointed experts.

b) Each BAG Member State shall facilitate the meeting of the ACIP experts and specialists with State's decision makers as may be required in the course of the project.

c) Each BAG Member State shall furnish ACIP experts all relevant information necessary for the successful implementation of the project.

d) BAG member States shall direct COSCAP-BAG to cooperate with the ACIP and provide it with all relevant information for the successful implementation of the project.

3. WORK PLAN

3.1 Development of the implementation plan

a) ACIP shall submit to the BAG Member States, by 16 January 2009, a detailed work plan (the "Work Plan") for the achievement of the objectives set out in 2.1 above. The Work Plan shall also set out the schedules, activities and outputs of ACIP together with the respective deadlines for such activities and outputs.

b) The outputs of the project shall include draft framework for the establishment of the BAG Regional Safety Oversight Organization (BAGASOO) and Regional Accident Investigation Agency (BAGAIA), and the associated guidance material and implementation plan.

c) The above-mentioned draft documents shall be completed and agreed upon with BAG member States, no later than 15 June 2009.

4. IMPLEMENTATION OF THE AGREED UPON FRAMEWORK

4.1 BAG Member States undertake to take all necessary measures and launch the BAG Regional Safety Oversight Organization (BAGASOO) and Regional Accident Investigation Agency (BAGAIA), no later than six (6) months after the adoption of the framework for the establishment of the BAG Regional Safety Oversight Organization (BAGASOO) and Regional Accident Investigation Agency (BAGAIA) and associated guidance materials and implementation plan.

4.2 BAG Member States undertake to continue to provide necessary political, financial and operational support to ensure the sustainability and effective operation of the BAG Regional Safety Oversight Organization (BAGASOO) and the Regional Accident Investigation Agency (BAGAIA).

5. ADDITIONAL ARTICLES

5.1 This Letter of Understanding shall come into force on the date of signature by the BAG Member States and ACIP.

5.2 Any amendment to this Letter of Understanding shall be carried out by mutual consent between the BAG Member States and ACIP. However, ACIP may make minor adjustments in the duration as may be appropriate to ensure the efficient performance of the services, provided that such adjustment will not cause changes to the deadlines set out in Articles 3 and 4.

5.3 Any issues that may arise between BAG Member States and ACIP shall be resolved through mutual negotiation between the two Parties.

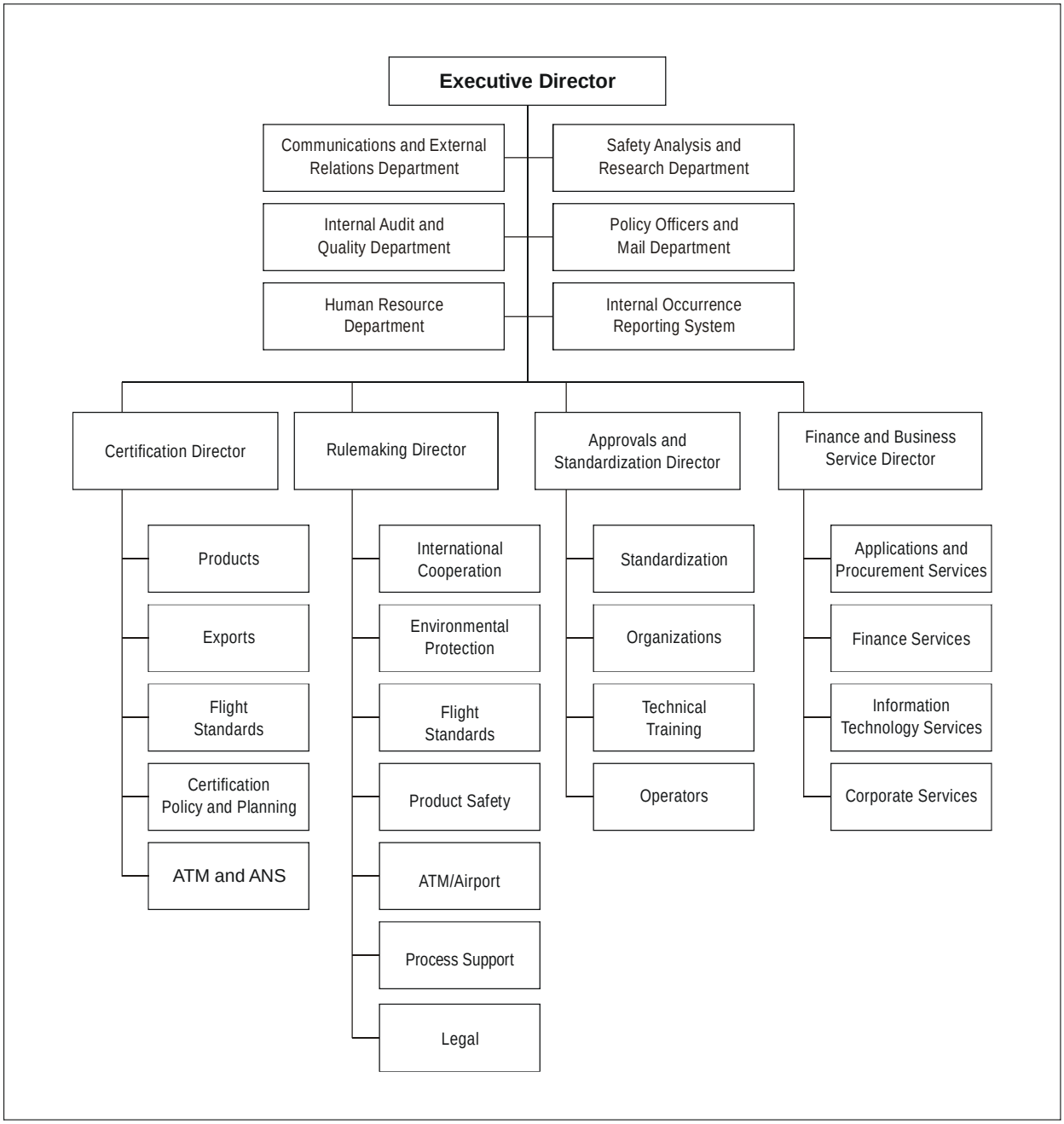
The BAG Member States and ACIP, in the presence of the ICAO WACAF Regional Director and COSCAP-BAG CTA, have signed this Letter of Understanding on the arrangement for the provision of support to the BAG States as detailed above in ten original copies in the English and French languages:

Done at Accra this 15th day of December 2008. Signed:

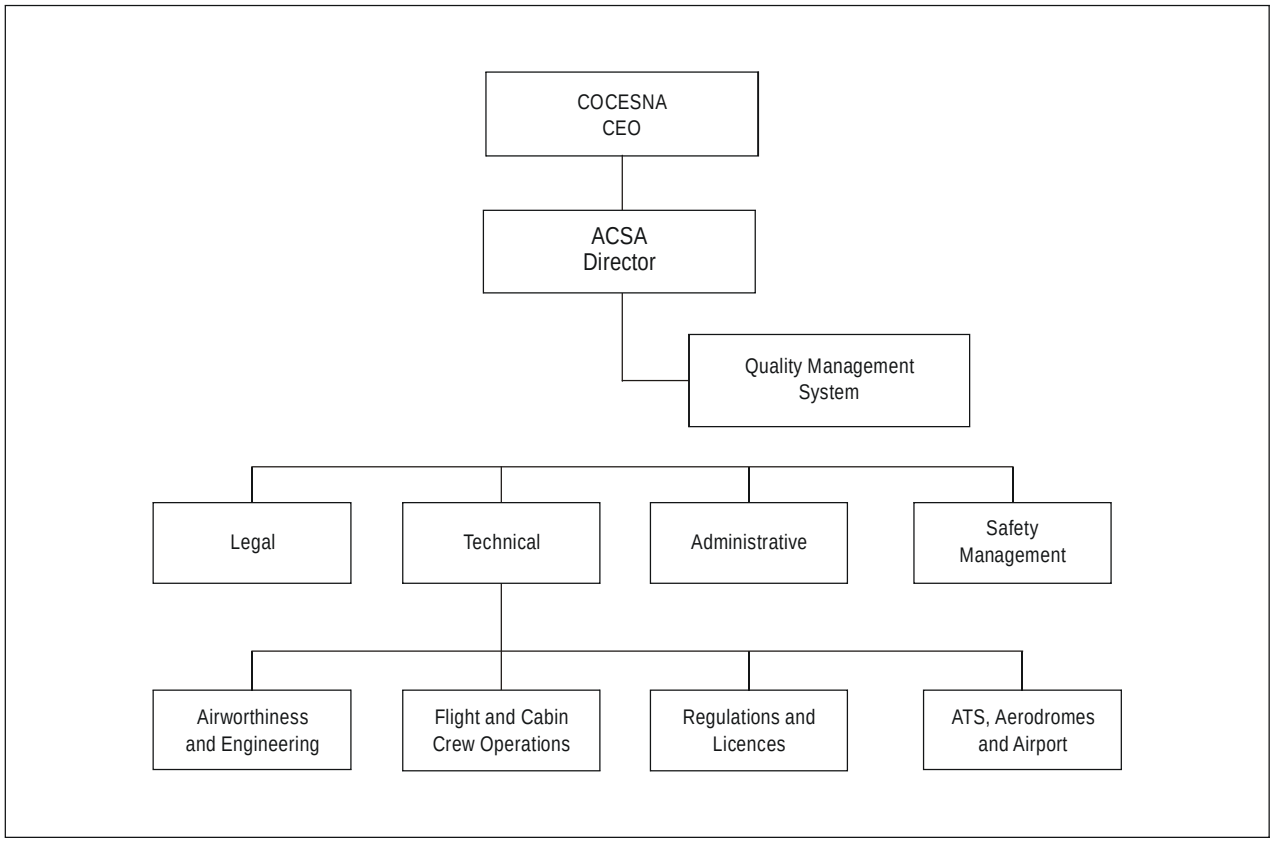
State/Organization	Name and Title of Representative	Signature
The Republic of Cape Verde		
The Republic of Gambia		
The Republic of Ghana		
The Republic of Guinea		
The Republic of Liberia		
The Federal Republic of Nigeria		
The Republic of Sierra Leone		
AFI Comprehensive Implementation Programme		
ICAO Western and Central Africa Regional Office (WACAF)		
COSCAP-BAG		

Appendix B

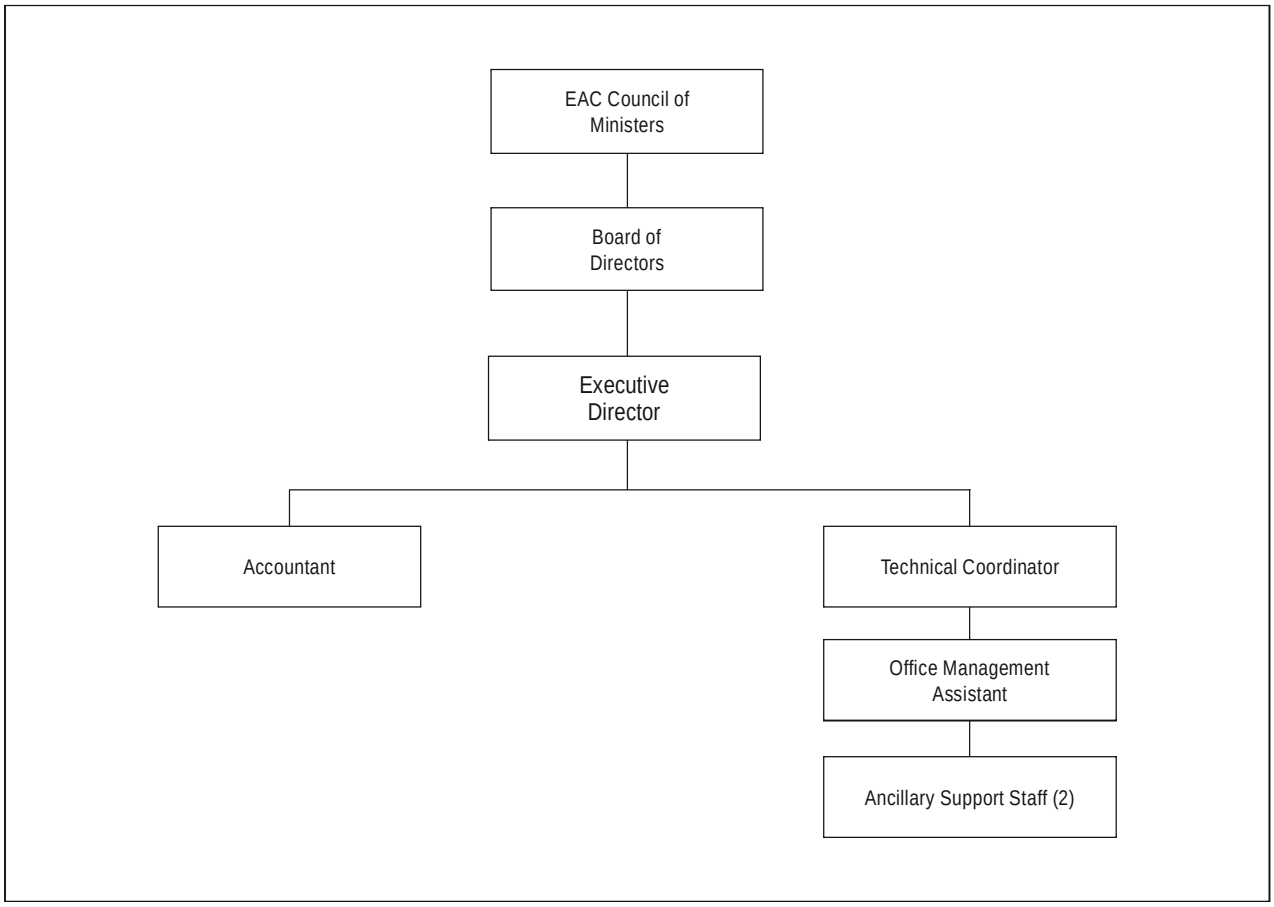
EXAMPLES OF THE ORGANIZATIONAL STRUCTURES OF THREE EXISTING RSOOS



Example 1. Organizational structure of the European Aviation Safety Agency (EASA)



Example 2. Organizational structure of the Central American Agency for Aeronautical Safety (ACSA)



Example 3. Organizational structure of the Civil Aviation Safety and Security Oversight Agency (CASSOA)

Appendix C

SAMPLE TABLE OF CONTENTS FROM AN RSOO POLICY AND PROCEDURES MANUAL

Note.— The following is a sample table of contents from an RSOO policy and procedures manual. Initially the RSOO may develop only some of the chapters and reserve the remaining chapters for later development as necessary.

Preface
Record of revisions
Definitions and abbreviations

Foreword

Policy statement
Purpose
Table of contents

Organization

Chapter 1 Introduction
- 1.1 General
- 1.2 Institutional framework
- 1.3 Administrative functions
  - 1.3.1 Selection and processing of employees
  - 1.3.2 Operations of the RSOO office staff
  - 1.3.3 Standards of conduct
  - 1.3.4 Transportation and travel documents
  - 1.3.5 Employee recognition programmes
  - 1.3.6 Meetings
- 1.4 Financial functions
  - 1.4.1 Compensation
  - 1.4.2 Holiday and vacation
  - 1.4.3 Severance
- 1.5 RSOO safety programme
  - 1.5.1 Emergency planning
  - 1.5.2 Emergency employee notification
- 1.6 Background documents
- 1.7 Manual amendment procedures

Chapter 2 Legislative requirements
- 2.1 ICAO requirements
- 2.2 Obligations of States
  - 2.2.1 Voluntary compliance
  - 2.2.2 Mandatory compliance

2.3 The requirements
2.3.1 General
2.3.2 RSOO legislation and regulatory framework
2.4 Policy matters
2.4.1 Enforcement policies
2.4.2 Conflicts of interest
2.4.3 Complaints and appeals

Chapter 3 Oversight objective and independence
3.1 Delegation of authority to RSOO
3.2 RSOO independence
3.3 Access to CAA officials
3.4 Responsibilities of States

Planning

Chapter 4 Planning and preparation for oversight
4.1 General
4.2 The selection, appointment and training of the inspectorate
4.3 Inspector equipment
4.4 Inspectorate authority and credentials
4.5 Inspectorate safety and security

Oversight and surveillance

Chapter 5 Initial oversight notification and response
5.1 General
5.2 Reporting requirements
5.3 Notification procedures
5.4 Response to notifications
5.5 Unscheduled surveillance
5.6 Delegation of the reporting of States' differences to the RSOO

Chapter 6 Oversight policies and procedures
6.1 General
6.2 Rights, authority and obligations of the inspectors
6.3 Record-keeping — data collection, retention and safeguarding
6.4 Monitoring of special events
6.5 Investigation operations

Chapter 7 Actions during the oversight inspection
7.1 General guidance and procedures
7.2.1 Liaison with other authorities
7.2.2 Initial actions during the oversight inspection
7.2.3 Management of the inspectorate and progress reports
7.2 Safety and security considerations during the oversight inspection
7.3 Initial reporting of findings during the oversight inspection

Chapter 8 Authority and enforcement of sanctions
8.1 General
8.2 Initial report of violation
8.3 Factors affecting choice of sanctions

8.4 Table of recommended sanctions
8.5 Suspension of air operator certificate or aerodrome operating certificate
8.6 Seizure or detention of evidence
8.7 Detention, seizure and return of aircraft
8.8 Removal of sanctions
8.9 Enforcement records and follow-up actions

Chapter 9 Actions during training for regional and national inspectors
9.1 General guidance and procedures
9.1.1 National coordinator responsibilities
9.1.2 Liaison with other authorities
9.1.3 Initial actions during training
9.2 Technical assistance
9.3 Safety and security considerations during training

Reporting

Chapter 10 Writing the oversight reports and making safety recommendations
10.1 General
10.2 Group reports
10.2.1 Field notes
10.2.2 Factual group reports
10.3 Technical review
10.4 Format of the final report
10.4.1 General
10.4.2 Chapters 1 and 2 of the final report
10.4.3 Chapter 3 of the final report — conclusions
10.4.4 Chapter 4 of the final report — safety recommendations
10.5 Consultation
10.6 Recipients of the final report
10.7 Distribution and publication of final reports
10.8 Safety recommendations
10.8.1 General
10.8.2 Follow-up of safety recommendations

Chapter 11 Incident and accident investigation
11.1 General
11.2 Delegation of responsibilities by the State of Occurrence
11.3 Priorities of investigation
11.4 Technical analysis of the cockpit voice recorder (CVR) and the digital flight recorder (DFR)
11.5 Seizure of investigation material
11.6 Exceptions for reporting — military or security involvement
11.7 Special cases involving humanitarian operations
11.8 Collaboration with military and other governmental organizations
11.9 Warnings and protection of rights of individuals
11.10 Special considerations for foreign employees and passengers
11.11 Protections of individuals reporting violations or misconduct
11.12 Content and preparation of reports
11.13 Closure of reports and distribution of report information
11.14 Release and return of investigation material

Chapter 12 Voluntary and mandatory reporting systems

12.1 Voluntary reporting systems and data collection
12.2 Incident reporting systems
12.3 ECCAIRS database, analyses and sharing of data
12.4 ADREP preliminary reports
12.5 ADREP accident/incident data reports

List of appendices
- Sample forms
- Points of contact
  - ICAO Regional Office and other RSOOs
  - CAA officials
  - Airlines, airports, air traffic control centres

Appendix D

SAMPLE TABLE OF CONTENTS FROM AN RSOO TRAINING POLICY AND PROCEDURES MANUAL

Note.— The following is a sample table of contents from an RSOO training policy and procedures manual. Initially the RSOO training policy and procedures may be contained in the general RSOO policy and procedures manual and then transitioned to a separate manual as the training programme matures.

Preface
Record of revisions
Definitions and abbreviations

Foreword

Policy statement
Programme goals and overview
Table of contents

Chapter 1 General guidance and procedures
- 1.1 National coordinator responsibilities
- 1.2 Liaison with other authorities
- 1.3 Scheduling and funding
  - 1.3.1 Course schedule, location and fees
  - 1.3.2 Cost sharing and scholarships
  - 1.3.3 Sponsorships and services in lieu of fees
- 1.4 Authority to conduct training and provide certificates of completion
- 1.5 Controls to ensure quality training

Chapter 2 Initial training
- 2.1 Course descriptions and lesson plans
- 2.2 Student and instructor eligibility
- 2.3 Student and instructor selection

Chapter 3 Initial qualification and certification
- 3.1 Course descriptions and lesson plans
- 3.2 Student and instructor qualifications
- 3.3 Designation as regional and national safety inspectors and instructors
- 3.4 Inspectorate authority and credentials

Chapter 4 Recurrent training
- 4.1 Course descriptions and lesson plans
- 4.2 Instructor qualifications
- 4.3 Recognition of alternate means of recurrent training

Chapter 5 Eligible training organization providers

5.1 Training institution qualifications
5.2 Eligibility period and performance standards and requalification procedures
5.3 Notification of ineligibility, termination and appeal process

Chapter 6 Record-keeping
6.1 Student and instructor records of completion
6.2 Recognition of superior performance or service
6.3 Safeguarding of student and instructor information
6.4 Manuals, handbooks and reference material availability and currency

Chapter 7 Safety and security planning
7.1 Training site safety and security considerations
7.2 Emergency planning and notification
7.3 Emergency evacuation and response planning

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