

**Twenty First Meeting of the
Informal South Pacific ATS Co-ordinating Group (ISPACG/21)**

Auckland, New Zealand, 6-8 March 2007

Agenda Item 4: Review of open action items
AI 16-1

FUNDING OF SAFETY MONITORING

(Presented by the ICAO Asia/Pacific Regional Office)

SUMMARY

This paper provides summary highlights of the first meeting of the Regional Airspace Safety Monitoring Committees Task Force (RASMC/TF/1) called for by APANPIRG/17 to address regional issues in regard to the funding of safety monitoring activities.

1. INTRODUCTION

1.1 The First Meeting of the Task Force for Establishment of Regional Airspace Safety Monitoring Committees (RASMC/TF/1) was held at the ICAO Asia/Pacific Regional Office from 13 to 15 February 2007. The meeting was attended by 16 participants from 7 States, namely Australia, Japan, New Zealand, Republic of Korea, Singapore, Thailand and the United States of America.

1.2 The meeting recalled that RASMC/TF had been convened in accordance with Decision 17/47 taken at the Seventeenth Meeting of the Asia and Pacific Air Navigation Planning and Implementation Regional Group (APANPIRG/17, August 2006) which said:

That a Task Force be established to develop and distribute to States by 30 June 2007 implementation proposals for the establishment of Regional Airspace Safety Monitoring Committees. The Task Force would work in accordance with the terms of reference (as set by APANPIRG) and use, inter alia, recent ICAO guidance materials in relation to the global approach for the funding of airspace safety monitoring.

1.3 The meeting also recalled that, in addressing the concerns of both the United States and Japan, APANPIRG/17 had formulated the following Conclusion:

Conclusion 17/48 – Funding of Pacific RMA & CRA

In recognizing that the United States/FAA was the current service provider of CRA and RMA services for the Pacific Region (with the exception of CRA services for Japan), it was acknowledged that:

- a) *FAA would remain the interim service provider for the Pacific Region until more formal arrangements have been made, and*
- b) *Pacific States using these FAA services commit to reimburse the FAA for those CRA and RMA services rendered effective 30 June 2007.*

Note: The FAA will be formally notifying each of these individual states that if reimbursement agreements are not in place by 30 June 2007, these services are at risk of being suspended.

2. DISCUSSION

2.1 Although the amount of funds required to support all of the required safety monitoring activities in Asia and Pacific was relatively modest, the Task Force had been established to address a very important challenge – to ensure that safety is maintained in the provision of ATS within airspaces. The Secretariat drew particular attention to Amendment 43 to Annex 11 requiring that any significant safety-related change to the ATC system, including implementation of a reduced separation minimum or a new procedure, shall only be effected after a safety assessment has demonstrated that an acceptable level of safety will be met and users have been consulted.

2.2 The Secretariat observed that a great deal of progress in safety monitoring had been achieved as a result of the good work of APANPIRG and RASMAG and the generosity of those States which had voluntarily provided safety monitoring services on a regional basis. However attention was drawn to the remaining challenges, including the need to establish sustainable and equitable approaches to funding safety monitoring. In particular, reference was made to APANPIRG/16 Conclusion 16/5 highlighting that a failure to carry out necessary safety monitoring could place implementation of reduced separation at risk:

APANPIRG Conclusion 16/5–No implementation of reduced separation unless compliant with Annex 11

That, recognizing that some States had not adequately complied with safety management provisions, the Regional Office advise States of the Asia/Pacific Region that further regional implementation of reduced separation minima should only proceed in circumstances where implementing States can demonstrate an ability to comply with Annex 11, Chapter 2, safety management provisions for the continuous monitoring and regular assessment of the safety level achieved.

2.3 Given the support from APANPIRG/17 (August 2006) and the DGCAs (43rd Conference, December 2006) the Secretariat expressed optimism that the RASMC/TF now would be equipped to achieve the outcomes expected by APANPIRG and the DGCAs and asked the meeting, in addressing its terms of reference, to reflect on the following points:

- a) the importance of safety monitoring in order to ensure that on-going CNS/ATM implementation initiatives in Asia/Pacific will not be delayed and that safety and efficiency will not be compromised;
- b) the experience that voluntary funding mechanisms currently relied upon to provide for safety monitoring are not sustainable;
- c) the directive from the President of the ICAO Council to all ICAO Regional Directors recommending that RMAs be implemented as multinational (ICAO) air navigation facilities/service in accordance with a step-by-step procedure; and
- d) the requirement for the Task Force to develop and distribute to States by 30 June 2007 implementation proposals for the establishment of Regional Airspace Safety Monitoring Committees.

2.4 The meeting gave thorough consideration to the steps that would be required to designate CRA and SMA services as multinational facilities/services in accordance with the ICAO 'Step-by-Step' guidance, while at the same time the broader implications for the Asia and Pacific Region were assessed. It was readily apparent to the meeting that the complexities of Asia and Pacific in terms of the number of States involved, their varying circumstances, the size and characteristics of the airspaces involved, and the way in which safety monitoring requirements had evolved presented issues that would take time to resolve by expertise not available to the Task Force.

2.5 With the guidance of the meeting the United States drafted a "Memorandum of Agreement" that was intended to be reached between the FAA and participating States for the purpose of funding the Pacific Approvals Registry and Monitoring Organization (PARMO). The Draft Agreement was viewed by the meeting as a constructive development and it was agreed that the United States should work with affected States to prepare and implement cost sharing agreements for the provision of RMA and SMA safety monitoring services between themselves on this basis. Accordingly the meeting proposed the following action:

RASMC/TF – Action 1 – Prepare and Implement Cost Sharing Agreements

The United States together with Australia, Fiji, France, Japan, New Zealand, Papua New Guinea, and the Republic of Korea prepare and implement cost sharing agreements for the provision of RMA and SMA safety monitoring services between the United States, on the one hand, and Australia, Fiji, France, Japan, New Zealand, Papua New Guinea, and the Republic of Korea. This Action is to be completed by 30 June 2007.

2.6 The meeting also saw merit in applying the approach elsewhere in the Asia and Pacific Region and requested that the United States develop and provide a generic version of the agreement developed for PARMO and in the light of all of the inputs by the States concerned and their respective technical, legal, financial and other experts. Accordingly the meeting proposed a second action that:

RASMC/TF – Action 2 – Develop and Provide a Generic Agreement

Based on the outcome of RASMC/TF – Action 1 above, the United States develop and provide a generic copy of a cost sharing agreement for the provision of safety monitoring services to RASMAG for promulgation as text for model agreement and that this generic agreement be made available to RASMAG/7 in June 2007.

2.7 The meeting also realized that varying arrangements exist in the States of Asia and Pacific in so far as making payments to other States and, in particular, to private or commercialized entities for provision of services. It was observed that a third party, the ICAO Technical Cooperation Programme, had been relied upon in the role of a financial administrator in the case of establishing the Middle East RMA. Accordingly, the meeting requested that the Secretariat investigate the options, as follows:

RASMC/TF – Action 3 – Investigate Options for Payments to Third Parties

The Secretariat investigate options for States to use a third party to effect payments, for example, to use ICAO Technical Cooperation or IATA, and to report its findings to RASMAG/7 in June 2007.

2.8 The meeting recognized that the Boeing CRA provided services very widely in the region, including the Pacific area (excluding Fukuoka FIR) and the areas under the jurisdiction of the FANS Implementation Team for the Bay of Bengal (FIT-BOB) which stretched from Indonesian FIRs to the Arabian Sea and into the airspaces of Oman and Yemen. Additionally, Boeing had indicated a preparedness to expand their CRA capability into the wider Indian ocean as datalink operations were implemented in this area.

2.9 However, Boeing had previously indicated their inability to administratively manage a large number of individual agreements and therefore required a collective approach of some kind. The meeting requested that the FAA investigate whether it was possible for the FAA to act as the administrator on behalf of a large number of States in the CRA arrangements with Boeing. The intention was that FAA, in an administrator role, would take responsibility for a number of multilateral and bilateral arrangements with States perhaps including, for example, India, Indonesia, Malaysia, Maldives, Myanmar, Papua New Guinea, Republic of Korea, Sri Lanka, and Thailand as well as the States in the Pacific Area, and enter a limited number of agreements with Boeing for CRA services. As part of the administrator role, the FAA would receive payments from States and relay them to Boeing for the provision of CRA services. The FAA would study the proposal, as follows:

RASMC/TF – Action 4 – Facilitate Support for the CRA Service

The United States request the Federal Aviation Administration to investigate whether it could facilitate, collect and consolidate fees on behalf of all participating States of the Asia Pacific Region to support the CRA service provided by Boeing, and for the United States to report on the matter to RASMAG/7 prior to June 2007.

2.10 The meeting believed that the generic approach to funding RMA and SMA services called for in RASMC/TF – Action 2 also would be applicable in the case of CRA services and it was recommended that affected States should work together to prepare and implement cost sharing agreements for the provision of CRA safety monitoring services by 30 June 2007, as follows:

RASMC/TF – Action 5 – Prepare and Implement Cost Sharing Agreements

By 30 June 2007, the Australia, Fiji, France, New Zealand and the United States prepare and implement cost sharing agreements for the provision of CRA safety monitoring services between the United States, on the one hand, and Australia, Fiji, France, and New Zealand

2.11 Noting that APANPIRG had established RASMAG as a permanent advisory group to assist States, the meeting considered that many of the items in the RASMC/TF terms of reference could be equally well addressed by RASMAG over the longer term. Additionally, the meeting considered that the existing Task List of the RASMC/TF could also be fully managed by RASMAG. The meeting agreed that as the residual responsibilities and Task List of the RASMC Task Force had been assigned to RASMAG, the RASMC Task Force should be dissolved and drafted a Decision to this effect for consideration by APANPIRG:

2.12 In summarizing the work of the RASMC/TF, the Secretariat noted that although the meeting had encountered an inability to address the primary purpose of the Task Force, that of the development of implementation proposals for Regional Airspace Safety Monitoring Committees, valuable progress had been made nonetheless. The local complexities of the various sub-areas of the Asia/Pacific region and the manner in which safety monitoring had developed in response to 'ad-hoc' implementation of enhanced ATM/CNS systems had meant that the 'Step-by-Step' approach to RMA funding advocated by ICAO was not immediately suitable for wide implementation and it was evident that the eventual attainment of this goal would require significant additional work over a long period of time.

2.13 Notwithstanding, the approach adopted by the Task Force in drafting a formal administrative agreement for use as either a multilateral or bilateral agreement between States would address the immediate difficulties in the Pacific area and ensure the continuation of safety monitoring services that were presently under threat. The agreement had been drafted with the ICAO recommended 'Step-by-Step' procedure in mind and therefore was considered to be consistent with the steps described in the ICAO guidance material. Additionally, many of the provisions in the FASID, Guidelines on the Establishment of a Multinational ICAO Air Navigation Facility/Service had been incorporated into the Draft Administrative Agreement. Consequently, the draft agreement could serve as an operating model for adaptation by other States regionally.

3. ACTION BY THE MEETING

3.1 The meeting is invited to note the information presented in this paper.

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