

## International Aviation Safety Assessment (IASA) Program

This bulletin is an overview of the IASA program. Given the undeniable significant economic benefits of international air transportation to a nation's economic growth and job creation, the importance of an IASA Category 1 rating cannot be underestimated. In order for a nation's airline to operate to and from the United States, the nation must have a Category 1 rating. Vedder Price assists governments with (i) IASA audit preparations, (ii) the Federal Aviation Administration (FAA) interactions and (iii) IASA and ICAO standards compliance to ensure a Category 1 rating.

### *IASA Program Overview*

The FAA established the IASA program in August of 1992 to ensure that all foreign air carriers that operate to or from the United States are properly licensed, and to ensure that safety oversight is provided by a competent Civil Aviation Authority (CAA) in accordance with International Civil Aviation Organization (ICAO) standards. FAA's foreign assessment program focuses on a country's ability, not the individual air carrier, to adhere to international standards and recommended practices for aircraft operations and maintenance established by ICAO.

A foreign air carrier of a sovereign state desiring to conduct foreign air transportation operations into the United States files an application with the U.S. Department of Transportation (DOT) for a foreign air carrier permit under the Federal Aviation Act. The DOT prescribes the requirements for issuance of

these authorities. Consistent with international law, certain safety requirements for operations into the United States are prescribed by the FAA's Part 129 regulations (14 CFR part 129). Part 129 specifies that the carrier must meet the safety standards contained in Part 1 (International Commercial Air Transport) of Annex 6 (Operations of Aircraft) to the Convention on International Civil Aviation (Chicago Convention).

Before the DOT issues a foreign air carrier permit, it notifies the FAA of the application and requests the FAA's evaluation of the respective CAA's capability for providing safety certification and continuing oversight for its international carriers. Upon DOT notification of a pending foreign air carrier application, if the FAA has not made a positive assessment of that country's safety oversight capabilities, the FAA Flight Standards Service will direct its appropriate international field office to schedule an FAA assessment visit to the CAA of the applicant's country.

Once the assessments visits have been completed, the FAA assessment team will return to the United States to compile the findings. Appropriate notifications to the CAA and other U.S. Government officials of the results of the assessments will be made from the FAA's Washington, D.C. headquarters as soon as possible.

If a CAA is found to be meeting its minimum safety obligations under the Chicago Convention, the FAA will forward a positive recommendation to the DOT. If there is a pending foreign carrier

application, the DOT will issue the requested economic authority and the FAA will issue operations specifications to permit the carrier to begin operations to or from the United States.

When CAAs of countries with existing air carrier service to the U.S. are found to not meet ICAO standards, the FAA formally requests consultations with the CAA. The purpose of consultations is to discuss our findings in some detail and explore means to quickly rectify shortcomings found with regard to ICAO annexes, to enable its air carriers to continue service to the United States. During the consultation phase, foreign air carrier operations from that country into the United States will be frozen at existing levels.

FAA may also heighten its surveillance inspections (ramp checks) on these carriers while they are in the United States. If the deficiencies noted during consultations cannot be successfully corrected within a reasonable period of time, the FAA will notify the DOT that carriers from that country do not have an acceptable level of safety oversight and will recommend that the DOT revoke or suspend its carrier's economic operating authority.

### *IASA Results Definitions*

The FAA has established two ratings for the status of countries at the time of the assessment: (1) does comply with ICAO standards and (2) does not comply with ICAO standards. They are defined as follows:

**Category 1: Does Comply With ICAO Standards:** A country's civil aviation authority has been assessed by FAA inspectors and has been found to license and oversee air carriers in accordance with ICAO aviation safety standards.

**Category 2: Does Not Comply With ICAO Standards:** The Federal Aviation Administration assessed this country's civil aviation authority (CAA) and determined that it does not provide safety oversight of its air carrier operators in

accordance with the minimum safety oversight standards established by the International Civil Aviation Organization (ICAO).

This rating is applied if one or more of the following deficiencies are identified:

- Country lacks laws or regulations necessary to support the certification and oversight of air carriers in accordance with minimum international standards;
- CAA lacks the technical expertise, resources and organization to license or oversee air carrier operations;
- CAA does not have adequately trained and qualified technical personnel;
- CAA does not provide adequate inspector guidance to ensure enforcement of and compliance with minimum international standards; and
- CAA has insufficient documentation and records of certification and inadequate continuing oversight and surveillance of air carrier operations.

This category consists of two groups of countries.

One group are countries that have *air carriers with existing operations to the United States at the time of the assessment*. While in Category 2 status, carriers from these countries will be permitted to continue operations at current levels under heightened FAA surveillance. Expansion or changes in services to the United States by such carriers are not permitted while in Category 2, although new services will be permitted if operated using aircraft wet-leased from a duly authorized and properly supervised U.S. carrier or a foreign air carrier from a Category 1 country that is authorized to serve the United States, using its own aircraft.

The second group are countries that do not have air carriers with existing operations to the United States at the time of the assessment. Carriers from these countries will not be permitted to commence service to the United States while

in Category 2 status, although they may conduct services if operated using aircraft wet-leased from a duly authorized and properly supervised U.S. carrier or a foreign air carrier from a Category 1 country that is authorized to serve the United States, with its own aircraft.

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