Antony Tyler
Director General & CEO

11 January 2016

Mrs. M Visser, General Secretary
Mr. T. H. J. Joustra, Chairman
Dutch Safety Board
Anna van Saksenlaan 50
2593 HT The Hague
The Netherlands

Dear Mrs. Visser and Mr. Joustra,

As per your request dated 13 October 2015 please find attached IATA's response to the Dutch Safety Board's recommendations posed in its report on the crash of Malaysia Airlines Flight MH-17.

Yours sincerely,

Encl.

International Air Transport Association Response
To the Dutch Safety Board's Recommendations
Posed in its Report on the Crash of Malaysia Airlines Flight MH-17
Hrabove, Ukraine, 17 July 2014

INTRODUCTION:

The International Air Transport Association (IATA) believes civil aviation is an instrument of peace which generates economic and social benefits for the world. The safety and security of passengers and crew are the highest priorities for the aviation industry. As enshrined in article 3 bis of the Chicago Convention, the targeting and downing of a civilian airliner is both a violation of this tenet and wholly unacceptable by any measure. IATA appreciates the efforts of the Dutch Safety Board (DSB) and shares the DSB's goal of ensuring that civilian aircraft can never again become military targets. IATA is grateful for the opportunity to respond to the DSB's Recommendations pertaining to this Association on behalf of our 260 Members, who collectively carry some 83% of global air traffic.

It is appropriate for IATA's response to commence with a restatement of key principles that have been articulated numerous times by the civil aviation community since the day of those tragic events in July 2014. In a joint statement issued on 29 July 2014, the International Civil Aviation Organization (ICAO), IATA, the Civil Air Navigation Services Organisation (CANSO) and Airports Council International (ACI) said:

> "We (ICAO, IATA, CANSO and ACI) recognize the essential need for information and intelligence that might affect the safety of our passengers and crew. This is a highly complex and politically sensitive area of international coordination, involving not only civil aviation regulations and procedures but also State national security and intelligence gathering activities..."

In a subsequent submission to the ICAO Task Force on Risks Associated with Conflict Zones, the civil aviation community further stated:

> "...States are responsible for ensuring their airspace is safe and airlines are responsible for undertaking [safety and security] risk assessments relative to their operations..."

> "...The loss of MH17 brought into stark relief the issue of how vitally important it is for airlines to conduct rigorous and defensible security risk assessments to protect operations when flying over or near conflict zones, using the best possible information from multiple sources..."

BACKGROUND:

Throughout this document, reference is made to the IATA Operational Safety Audit (IOSA); Security Management System (SeMS); and Safety Management System (SMS). To ensure a common frame of reference, an explanation of each follows:

IOSA is an evaluation system designed to assess the operational management and control systems of an airline and is one of the key pillars for the promotion of operational safety throughout the airline community. Audit standards have been developed in cooperation with regulatory bodies and the aviation industry.

As an internationally-recognized benchmark for global safety management in airlines, all 260 IATA members are IOSA-registered and must remain registered to maintain IATA membership. The IOSA Program also has 142 non-IATA members on its Registry, which makes a total of 400+ airlines worldwide. Under IATA's stewardship and with the guidance of the IOSA Oversight Council, which includes participation by State safety regulators, the IOSA Program continuously updates its standards to reflect regulatory revisions and operational best practices. Inherent in this approach is a requirement for the implementation and documentation of a risk assessment process for the overflight of conflict zones, among other risks.

A **SMS (Safety Management System)** is a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures. With the promulgation of ICAO Annex 19 – Safety Management in 2013, along with the publication of Doc. 9859 – Safety Management Manual (SMM) initially in 2006, ICAO took a positive step forward to ensure that all States oversee the implementation of SMS throughout their civil aviation service providers.

As per ICAO requirements, airlines and air navigation service providers are responsible for establishing a SMS, which is accepted and overseen by their respective States. SMS, at a minimum, identifies safety hazards, ensures remedial actions are taken to maintain an acceptable level of safety, provides for continuous monitoring and regular assessment of the safety level achieved and ensures continuous improvement to overall safety targets.

IOSA introduced SMS elements in its IOSA Standards Manual (ISM) shortly after work on ICAO Annex 19 had begun. In 2010, ISM 3rd Edition included SMS elements as "recommended practices," with the intent of making all SMS provisions an IOSA standard by 2016.

A **SeMS (Security Management System)** is a systematic approach to managing security, which embeds security management into the day-to-day activities of an organization. It includes threat and risk assessments, performance monitoring and continuous improvement while providing the necessary organisational structure, accountabilities, policies and procedures to ensure the effective implementation and oversight of aviation security measures.

In effect, SeMS takes the concepts applied in the area of safety and positions them with respect to security policies and practices of airlines and air navigation service providers, making them part of corporate management responsibility. Developed in conjunction with an efficient threat assessment mechanism and security risk management program, SeMS helps organizations develop proactive, efficient and sustainable security measures. Like SMS, SeMS has been an IOSA requirement since 1 March 2007.

RESPONSE TO RECOMMENDATIONS

Below is an overview of IATA's responses to the five recommendations made by the Dutch Safety Board:

Recommendation #5: *To ICAO & IATA*
Encourage states and operators who have relevant information about threats within a foreign airspace to make this available in a timely manner to others who have an interest in it in connection with aviation safety. Ensure that the relevant paragraphs in the ICAO Annexes concerned are extended and made stricter.

and

Recommendation #9: *To ICAO & IATA*
In addition to actions already taken, such as the website (ICAO Conflict Zone Information Repository) with notifications about conflict zones, an exploration and feasibility assessment of a platform for exchanging experiences and good practices regarding assessing the risks related to the overflying of conflict zones is to be initiated.

IATA Response to Recommendations #5 and #9:

IATA concurs with the DSB's recommendations and agrees that the sharing of relevant information regarding threats in foreign airspace is essential. While States are the primary repository of such information and must bear the responsibility for disseminating this information to the civil aviation community, IATA continuously reviews its guidance on both SMS and SeMS, with the aim of encompassing any new best practices and/or lessons learned in the area of risk management and information sharing and to ensure alignment where risks arising from conflict zones are concerned. IATA will continue to develop manuals, training and/or workshops to disseminate new or identified best practices with regard to improved implementation of SMS, SeMS, security risk assessment and information sharing, as part of a continuous improvement approach.

SeMS and some of its core elements have already been part of the IOSA (and airline's security) programs for many years. IATA will endeavor to obtain support from ICAO Contracting States to advance proposals for the implementation of SeMS or at least its core elements in ICAO SARPS, in order to reach global application. These new provisions could also provide for appropriate authorities to share relevant information on threats, even outside their territory, to their airlines (including codeshares, wet-leases, etc.) to support the airlines' risk assessments.

Effective information sharing comes through strong partnerships. In this regard, IATA's member airlines have cultivated effective information sharing partnerships between themselves. This includes significant investments to develop mechanisms and methodologies to evaluate, assess, and exchange information across regional, market, and security-related communities of interest. IATA will work with its member airlines to find ways to make this collaboration even more effective.

However, airlines rely on governments to provide threat information: helping airlines assess potential dangers is the moral responsibility of governments around the globe. IATA recognizes there are certain sensitivities involving national security and intelligence-gathering activities, however, if an agency of government has information which relates to the safety of international aviation it must find a way to share that information so that the airline-operators can use it. Governments must create "fail-safe" channels to make available essential threat information to civil aviation authorities and industry—information must be accessible in a timely, authoritative, accurate, consistent and unequivocal way.

Compiling and centralizing information provided by states is a critical next step. ICAO has taken the lead with the creation of a repository of threats to civil aircraft arising from conflict zones. However, the information contained therein is not underpinned by a universally agreed definition of the term "conflict zone". Establishing a unified, internationally accepted definition of "conflict zone" will better account for the complexity of modern warfare. Moreover, it will enhance the utility of ICAO's information repository and provide a common frame of reference for the preparation of conflict zone risk assessments.

Recommendation #7: *To IATA*
Ensure that the Standards regarding risk assessments are also reflected in the IATA Operational Safety Audits (IOSA).

IATA Response to Recommendation #7:

IATA has met the intent of the Dutch Safety Board's Recommendation #7 via the IOSA program. With the publication of the 9th Edition of the IOSA Standards Manual (ISM) on 1 September 2015, the issue of overflight of armed conflict zones was addressed as a direct response to the MH-17 event. Specifically, guidance material relating to IOSA Standard DSP 1.12.2 was amended to include armed conflict zones, as follows:

> **"DSP 1.12.2** *The Operator shall have a safety risk assessment and mitigation program in the organization responsible for the operational control of flights that specifies processes to ensure:*
> *(i) Hazards are analyzed to determine the corresponding safety risks to aircraft operations;*
> *(ii) Safety risks are assessed to determine the requirement for risk mitigation action(s); and*
> *(iii) When required, risk mitigation actions are developed and implemented in operational control.*
>
> *Guidance:*
>
> *. . .*
>
> *Hazards relevant to the conduct of aircraft operations are typically associated with:*
>
> *. . .*
>
> o *Operations in airspace affected by armed conflict;*

As this Guidance Material is used as an active reference during the preparation for IOSA audits, the Dispatch section of the ISM was assessed to be the most appropriate location to include specific guidance to ensure an operator would make proper risk assessment decisions regarding conflict zone implications on flight routes and planning.

IOSA is a "living standard" that focuses heavily on continuous improvement and provides a level of public accountability. IATA will be working with ICAO to develop further provisions on risk assessment. As these become adopted, they will be included, providing further robustness to the risk assessment part of the audit.

Recommendation #10: To IATA
Ensure that IATA member airlines agree on how to publish clear information to potential passengers about flight routes over conflict zones and on making operators accountable for that information.

IATA Response to Recommendation #10:

In addressing Recommendations #10 and #11, IATA considers "the public" and "passenger" to be interchangeable. As discussed in the response to Recommendation #7, risk assessment capabilities are incorporated in IOSA. This covers conflict zones as well as other risks that airlines manage in their daily operations. While not all risks can be completely eliminated, information regarding a carrier's independent IOSA registration, which includes SMS and SeMS standards, provides the public with assurance of an airline's capacity to manage the complex aviation risk environment. Most importantly, the IOSA SMS and SeMS provisions and associated guidance drive processes focused on constant re-assessment of existing and emerging hazards and threats and incorporate relevant assessment outcomes into the risk management system. A list of all airlines complying with IOSA standards is available to the public on the IOSA registry pages of the IATA website.

Recommendation #11: To Operators
Provide public accountability for flight routes chosen, at least once a year.

IATA Response to Recommendation #11:

Safety and security are the aviation industry's top priorities and they will never be compromised. Implicit in ensuring the safety and security of airline operations is a continual assessment of the risks associated with conflict zone overflight and avoidance of overflying areas assessed to pose unacceptable risks. It is IATA's strong view that having the IOSA Registry within the public domain provides a mechanism for the public to see that airlines around the world use systems and processes to mitigate the multiple risks associated with flight operations. This, in conjunction with airlines' individual reporting obligations and State-sponsored travel warning mechanisms, provides travelers with the opportunity to make informed decisions on their travel plans and can provide sufficient accountability to the public in relation to the selection of flight routes.

CONCLUDING COMMENTS:

In making this response to DSB's recommendations, IATA takes the opportunity to reinforce the civil airline industry's primary and unequivocal commitment to safety and security – priorities that will never be compromised. IATA and its members continue to work tirelessly to safeguard our customers, employees and aircraft from harm throughout the nearly 100,000 flights undertaken by airlines every day across the world. Public confidence in the civil aviation industry is critical not only to airlines, but to States that depend on aviation as part of their economic well-being.

Airlines are committed to effective mitigation of security risks relative to their operations—with all IATA Members and many other non-IATA airlines holding IOSA registration. As previously noted in the response to Recommendation #7, IOSA is an important, proactive and robust mechanism which includes an assessment of SeMS and associated conflict zone risk management practices with compliance documented through a publicly accessible IOSA Registry.

IATA steadfastly maintains there can be no walls between government and industry when it comes to sharing critical information to keep our passengers and crews secure. This point again speaks to the undeniable requirement for States to provide authoritative, accurate, timely, consistent and unequivocal threat information.

IATA has also made it a top priority to support the ICAO Task Force on Risks to Civil Aviation Arising from Conflict Zones and has contributed its expertise to this complex—and political—issue by helping ICAO and governments understand airline requirements. While ICAO's repository of conflict zone information is an important step in this regard, States should be further encouraged to use the portal more fully in keeping with the DSB's Recommendation #5 and consistent with the global consensus regarding the vital importance of this new facility. To support this effort, governments must agree on the definition of the term "conflict zone."

IATA appreciates the opportunity to respond to the DSB's report. We remain available for further discussion and will be happy to provide any additional detail or information as needed.