



This year marks the 75th anniversary of the International Civil Aviation Organization (ICAO). Over these 75 years, ICAO and its Members States have played a vital role in regulating aviation and have been instrumental in building aviation's strong safety record. However, the aviation world has changed considerably since 1944 and it is therefore important that regulation keeps pace with and adapts to change.

Traditional airspace users now need to operate alongside and in an integrated fashion with drones, high altitude autonomous vehicles and balloons and commercial space vehicles. Furthermore, new technologies such as space-based surveillance, digitisation of towers, automation and artificial intelligence are changing the traditional way of doing things in air traffic management (ATM).

ICAO and regulators need to find new ways to move faster and fast enough to keep up with the rapid pace of technological developments, and to allow the industry to change the way it manages airspace. The challenge is that the regulatory process and pace is different for each State and regulatory knowledge on emerging issues and technologies is also different. In addition, regulation is often over-prescriptive, which undermines the ability of air navigation service providers (ANSPs) to innovate and perform effectively.

CANSO urges States to take a performance-based approach to regulation that emphasises what must be achieved, focusing on agreed, measurable outcomes and placing more of the responsibility and accountability with the service provider in how the performance requirements will be met. For example, there is no need to change regulatory requirements for digital or remote towers as they fulfil the same performance requirements as conventional towers.

But there is no 'one size fits all' solution for ATM regulation as there is a significant diversity among States in terms of oversight capabilities, maturity and culture. Therefore, CANSO prefers to see an incremental approach. For States with a well-established (albeit prescriptive) regulatory regime, we encourage the move to performance-based regulation (PBR) and the adoption of Better Regulation principles. These principles call for regulations to be: proportionate, accountable, consistent, transparent and targeted. For States that need to improve oversight capabilities, we need first to support the implementation of capacity building initiatives that are both innovative and effective.

If regulators were to adopt these principles, they will not need to keep ahead of developments rather than trailing them as the regulatory framework will monitor performance rather than the technologies and procedures used to achieve the performance metrics.

In September/October, ICAO Member States will be meeting at the ICAO 40th Assembly. CANSO will be presenting a range of papers on key issues and many of them depend on a performance-based approach to regulation. This is key to ensuring the ATM industry can take full advantage of new technologies, safely, quickly and efficiently. This in turn is key to addressing the industry's main challenges such as improving capacity and safely integrating all users of airspace now and in the future.

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