

# Audit of air traffic management governance and supervision

Federal Office of Civil Aviation

## Key facts

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The Swiss aviation safety requirements are largely based on the regulations drawn up by the International Civil Aviation Organization (ICAO) and the European Aviation Safety Agency (EASA), and issued by the European Commission. Switzerland adopts these regulations and the Federal Office of Civil Aviation (FOCA), as the statutory supervisory authority, checks compliance with them.

For the Infrastructure Safety Division (IS), this supervisory task includes the two national airports, eight regional airports and three air navigation service providers (skyguide, Me-teoSwiss and Engadin Airport), for example. Fees of around CHF 2 million are levied annually for supervision in this area. Air navigation service providers and airports have to manage considerable movements. In 2017, some 467,000 aircraft movements were recorded in scheduled and charter traffic alone.<sup>1</sup>

### **The interplay between safety and policy is visible in many areas**

The FOCA has aviation development tasks in addition to supervision. In terms of organisation, these FOCA duties are clearly separated; in practice, they sometimes mesh smoothly with one another, whereby the emphasis is on compliance with the highest safety standards in accordance with the FOCA's strategy. The Civil Aviation Act<sup>2</sup> (CAA) stipulates that the Federal Council lays down the basic requirements for aviation safety, taking into account the international regulations that are binding for Switzerland, the state of the art and economic viability. The stipulation regarding alignment with binding international regulations is fulfilled by adopting the regulations of the ICAO and of the European Union (EU). The definition of the desired safety level while taking economic viability into account remains open. For this reason, the Swiss Federal Audit Office (SFAO) recommends that the FOCA should submit to the Federal Council a proposal on the aviation safety requirements in accordance with Article 108a of the CAA and flesh out the Federal Council's decision in the FOCA's strategy.

### **Processes and responsibilities are set out, but any indications of harassment have to be looked into systematically**

The results of the 2017 personnel survey revealed a clear distrust of top management. Communication of the FOCA's direction, interdepartmental communication and the transparency of management level discussions between the FOCA and those supervised were frequently criticised. Some employees consider these discussions to be agreements and, even if there is demonstrable communication via the section heads, a deep mistrust of FOCA management's independence vis-à-vis those supervised nevertheless remains.

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<sup>1</sup> Federal Statistical Office, Movements in scheduled and charter traffic since 1950

<sup>2</sup> Federal Act on Civil Aviation, SR 748.0, Article 108a

The processes and responsibilities are mostly well described and comprehensive, be it with regard to the adoption of the ICAO and EU regulations or the performance of inspections by the Infrastructure Safety Division.

The 2017 personnel survey revealed indications of sexual and psychological harassment. While measures were taken in the case of sexual harassment, FOCA's management barely addressed the reports of psychological harassment. The SFAO recommends that the FOCA should actively follow up on such information in the future as part of a procedure to be defined.

### **Risk management is changing**

The FOCA's contributions to federal risk management are plausible, although some improvements could be made. Operational risk management is being restructured, but this makes sense in view of the risk and performance-based oversight<sup>3</sup> that will be required by EASA from 2020.

The FOCA is acquainted with the supervised organisations' infrastructure safety risks in the form in which they are drawn up by the organisations themselves. The assessment of risks can be highly controversial in this area. For example, the operators of aviation safety systems have to carry out a risk assessment for the supervisory authority when their systems are modified. This is based on a structure (framework) which also has to be approved by the FOCA. In one case examined, the shortcomings in these assessments or in the framework have not yet been resolved to the satisfaction of the supervisory authority, despite the close support provided by the FOCA. Due to the operators' de facto monopoly, the FOCA has only a few possible sanctions, however. Withdrawing licences or certificates would cause serious disruptions in Switzerland's air traffic management.

### **Supervision needs to be strengthened**

In terms of independence – acceptance of gifts and invitations, anti-corruption – the FOCA applies the general provisions of the Federal Personnel Ordinance, as well as the specific provisions of EU law. The SFAO recommends that the more stringent rules that apply for employees with decision-making and procurement tasks be applied for employees with supervisory functions.

Regarding the qualification level of employees, the SFAO was made aware in a number of discussions that there is a gap between the qualifications of FOCA inspectors in the area of infrastructure and those of their counterparts at skyguide. However, the results of the corresponding EASA audits and information received from independent bodies confirmed the FOCA inspectors' qualifications in the area of supervision of air navigation service providers. The SFAO considers the measures already taken to be sufficient, although they could be supplemented by focal topics.

Furthermore, the SFAO recommends that the FOCA should establish a process that governs the involvement of inspection teams in escalations so that they can better understand the decision-making process.

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<sup>3</sup> Starting in 2020, EASA will require supervision that focuses on the risk profiles of those supervised and the development of their safety management. The supervision intervals will be more flexible as a result.

**The Government Liability Act provides for liability in the event of inadequate supervision**

The FOCA may itself be liable subsidiarily in the event of inadequate supervision, e.g. in the event of liability on the part of skyguide. The SFAO recommends that the FOCA, together with the Federal Finance Administration, should examine whether a risk entitled "liability claims arising from insufficient supervision" should be included on the FOCA's risk map.

**Original text in German**