

FAA Modifies International Aviation Safety Assessment Program

On September 26, 2022, the Federal Aviation Administration (FAA) issued a notice of policy statement (Notice) announcing several key changes to its International Aviation Safety Assessment (IASA) program.

The FAA established the IASA program in 1992 to serve as the means by which the FAA determines whether another country's civil aviation authority's (CAA) oversight of its airlines that operate (or seek to operate) into the United States or code-share with a U.S. airline, complies with safety standards established by the International Civil Aviation Organization (ICAO). The FAA publishes a country-specific IASA Category Rating list on its [website](#). This publication serves as notice to the U.S. traveling public of a country's compliance (Category 1) or non-compliance (Category 2) with ICAO standards.

The changes detailed in the FAA Notice took effect on September 28, 2022, when the Notice was published in the Federal Register, and are summarized below:

1. **Clarification of IASA Categories.** The FAA revised the category definitions to align them with the types of operations that require an IASA country ranking (and, therefore, a need for FAA oversight). The updated definitions are as follows:
 - i. *Category 1, Does Comply with ICAO Standards:* The FAA has found that the country meets ICAO standards for safety oversight of civil aviation. Pursuant to Category 1, a country's operators may engage in direct service to the United States or code-sharing partnerships involving the display of U.S. airline codes.
 - ii. *Category 2, Does Not Comply with ICAO Standards:* The FAA has found that the country does not meet ICAO standards for safety oversight.
2. **Change in Removal Benchmark for Inactive Countries.** The FAA's new policy reduces the removal benchmark for inactive countries (*i.e.*, countries for which no operators fly into the U.S. or display a U.S. airline code) from four to two years. As explained in the Notice, the FAA believes this change will help avoid giving the public a "false sense of safety" about Category 1 countries and will avoid "unfairly penalizing" Category 2 countries when there has been no activity since the Category 2 rating was issued.
3. **Clarification on Initiation of Assessment.** The Notice clarifies that, with respect to a country that does not presently have any ranking under the IASA program, the FAA will not perform an initial assessment until an operator of that country files an application with the U.S. Department of Transportation (DOT) for economic authority, *e.g.*, a foreign air carrier permit or exemption. The Notice states this requirement is intended to ensure that both the operator's CAA and the operator itself have taken the necessary steps to manage and oversee operations in accordance with applicable ICAO safety standards.
4. **Explanation of Risk Analysis.** The Notice reiterates that the FAA uses a risk analysis process, performed at least annually or whenever new safety information is obtained, on each country on the IASA Category Rating list. The risk analysis process consists of the following five major categories:
 - i. DOT economic authority, such as new or existing authority or U.S. service under part 129;
 - ii. governance and safety culture;
 - iii. time passed since the last IASA, and other factors indicating that a Category 1 rating may no longer be valid;
 - iv. compliance with ICAO requirements; and
 - v. FAA safety concerns about the oversight provided by the relevant CAA.



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5. **New, Informal Process for Engagement.** In the case of Category 1 countries identified as “priorities” pursuant to the risk analysis described above, the FAA will “exercise discretion” to
 - i. provide foreign CAAs with “information notification” of its safety concerns and
 - ii. request discussions with the relevant CAA. Such discretion is intended to make CAAs aware of potential deficiencies and “enable more efficient resolution.”However, when justified, the FAA will retain its ability to initiate immediate IASA category changes (*e.g.*, downgrading a country from Category 1 to Category 2 status) or an IASA reassessment.
6. **Potential Additional Restrictions on Operations Involving Operators From Countries Under IASA Review.** Upon the FAA’s notification of its risk analysis-based concerns to a country’s CAA, the FAA will freeze in place the direct services of the country’s operators to the U.S. and their display of U.S. airline codes, *i.e.*, limit such operations to their current levels. In addition, the FAA will cease reciprocal acceptance of any approvals or certifications issued by the country’s CAA under existing bilateral aviation safety agreements (BASAs) with the United States. The Notice states the FAA’s belief that such actions will enhance transparency between initial notification and completion of the IASA reassessment.
7. **Incorporation of FAA and CAA Development of a Corrective Action Plan (CAP) Upon Notification of an IASA Category 2 Rating.** The FAA will provide the CAA of a country downgraded to Category 2 with a CAP to address its safety oversight deficiencies and conduct a virtual meeting with the CAA to establish timelines for completion.

The Notice underscores the FAA’s belief that the changes and clarifications will enhance its engagement with CAAs, promote greater transparency of the IASA process, and better mitigate FAA-identified international civil aviation safety risks.
