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ASSEMBLY — 37TH SESSION
TECHNICAL COMMISSION

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEMS 37 AND 44

The attached material on Agenda Items 37 and 44 is submitted for consideration by the Technical Commission.

Agenda Item 37: Development of an up-to-date consolidated statement of continuing ICAO policies and practices related to a global ATM system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems

37.1 The Commission reviewed working paper A37-WP/29, presented by the Council, in accordance with Resolution A15/9, which requires that the Assembly adopt, at each regular session for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM systems.

37.2 The Commission noted that the Council, taking into account the recommendations of the Air Navigation Commission, had determined that no amendments were called for with respect to A35/15.

37.3 The Commission reviewed A37-WP/258 by the Russian Federation which requested, among other things, that the Council initiate research into possible scenarios for deployment of automatic dependent surveillance – broadcast (ADS-B), paying special attention the safety of flight, also considering the various alternative links that may be used, including 1090 extended squitter (ES), VDL-4 and others. IATA expressed the view that 1090 ES should be the preferred link for global interoperability and harmonization.

37.4 The Commission recalled that ICAO was developing a communication, navigation, surveillance (CNS) roadmap which would describe options for implementation of all CNS technologies based on operational requirements (A37-WP/14 refers). On this basis, it was agreed that the proposals in the paper would be referred to the Council for further referral and incorporation into the CNS technologies roadmap framework for assessment and further work.

37.5 The Civil Air Navigation Services Organization (CANSO) presented A37-WP/14 which highlighted the institutional challenges in realizing the vision of an integrated, harmonized and globally interoperable air navigation system and urged States to ensure that strong political leadership and commitment are applied toward resolving such challenges.

37.6 Belgium, speaking on behalf of the European Community and its Member States, ECAC, and EUROCONTROL proposed the following new resolving clause in Resolution A35/15, which was accepted by the Commission:

The Assembly:

“Calls upon States and regional safety oversight organizations (RSOOs) to establish a framework for joint planning and cooperation at the subregional level for joint development of CNS/ATM systems.”

Agenda Item 44: Development of an up-to-date consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

44.1 The Commission reviewed working paper A37-WP/29, presented by the Council, in accordance with Resolution A15/9, which requires that the Assembly adopt, at each regular session for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation. The Commission agreed to the changes proposed to appendices A, O, P and U in WP/29.

44.2 LACAC presented A37-WP/134 which pointed out the difficulties of State regulatory authorities in processing and implementing frequent amendments to Standards and Recommended Practices (SARPS) and Procedures for Air Navigation Services (PANS) and stressed that such amendments should not be made more than once per year. On this basis, it was proposed, and the Commission agreed, that A36/13, Appendix A (Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)), Resolving Clause 8, be amended and Clause 4 of the Associated practices be deleted.

44.3 Belgium, on behalf of the European Community and its Member States, ECAC, and EUROCONTROL, proposed an amendment to Appendix U (Cooperation among Contracting States in investigations of certain aircraft accidents) so as to incorporate the concept of regional safety oversight organizations.

44.4 Also agreed was a proposal put forward by the United States to amend Appendix O, Preambular clause 3 and Resolving clauses 1, 3 and 5. In addition, in response to an intervention by Colombia regarding Resolving clause 4, a change was proposed by Barbados and also a suggestion by the Secretary, both of which were agreed by the Commission.

44.5 The Commission noted that the statement of continuing ICAO policies and associated practices related specifically to air navigation was outdated and suggested that ICAO take action urgently to conduct a comprehensive amendment to the statement. This would be referred to the Council and the next regular session of the Assembly would be presented with such an amendment.

Resolution 44/1: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

Whereas in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

Whereas a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 36th Session of the Assembly was adopted by the Assembly in Resolution A36-13¹, Appendices A to W inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A36-13, Appendices A to W inclusive, and has amended the statement to reflect the decisions taken during the 37th Session; and

Whereas the statement of continuing policies in Resolution A36-13 is hereby superseded;

The Assembly:

1. *Resolves* that:
 - a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 37th Session of the Assembly; and
 - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies; and
2. *Declares* that this resolution supersedes Resolution A36-13 with its Appendices A to W inclusive.

Appendix A

Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

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7. The applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation;
8. No Annex or PANS document shall be amended more frequently than once per calendar year.

Associated practices

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council

¹ The full text of Resolution A36-13 and its appendices appears on pages II-2 to II-24 of Assembly Resolutions in Force (as of 28 September 2007) (Doc 9902).

should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications.

2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.

3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.

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APPENDIX O

Coordination and cooperation of civil and military air traffic

Whereas the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

Whereas the Preamble of the *Convention on International Civil Aviation* stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

Whereas Article 3 (a) of the Convention states that “the Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 (d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;

Recognizing that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

Whereas the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation, offers an immediate approach towards more effective airspace management; and

Recalling that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

The Assembly resolves that:

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Contracting States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
4. Contracting States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

Associated practices

1. Contracting States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.
3. The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

APPENDIX P

The provision of adequate aerodromes

Whereas major improvements to the physical characteristics of aerodromes are required at many locations;

Whereas in certain cases these improvements will involve considerable outlay and it would be inadvisable to plan such work without taking into account future developments;

Whereas States and aerodrome authorities will continue to need to know the general trends in aerodrome requirements which succeeding generations of aircraft will most likely produce;

Whereas many serious problems can be avoided if the operating requirements of new aircraft are such as to permit them to operate economically without further demands on the physical characteristics of aerodromes;

Whereas the operation of aerodromes has many advantages, environmental considerations have imposed limitations upon the operation of aircraft at some locations. In view of the capacity problems currently experienced globally, account should be taken of the introduction into service of newer quieter aircraft; and

Whereas there is a growing trend for aerodromes to be operated by autonomous entities, the obligation of States to ensure safe aerodrome facilities and services remains unaffected;

The Assembly resolves that:

1. the technical requirements for aerodromes shall be kept under review by the Organization;
2. there is a need for future generations of aircraft to be designed so that they are capable of being operated efficiently, and with the least possible environmental disturbance, from aerodromes used for the operation of present-day aircraft;
3. States shall undertake certification of aerodromes;
4. States should ensure that safety management systems are introduced at their aerodromes; and
5. States should place greater emphasis on the management of aerodrome operations, with runway safety given a high priority.

Associated practices

1. In the light of the results of the continuing review mentioned in Resolving Clause 1 above, the Council, taking into account the requirement to improve still further existing safety levels, should:
 - a) develop additional guidance material on future developments;
 - b) develop procedures for the management of aerodrome operations; and
 - c) keep Contracting States informed of developments.
2. The Council should continue to draw the attention of aircraft manufacturers and operators to the policy expressed in Resolving Clause 2.

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APPENDIX U

Cooperation among Contracting States in investigations of certain aircraft accidents

Whereas it is incumbent on the State in which an accident occurs to institute an inquiry into the circumstances of the accident in conformity with Article 26 of the Convention;

Whereas, owing to the growing sophistication and complexity of modern aircraft, the conduct of an accident investigation requires participation by experts from many specialized technical and operational fields and access to specially equipped facilities for investigation;

Whereas many Contracting States do not have such specialized technical and operational expertise and appropriate facilities;

Whereas it is essential for flight safety and accident prevention that accidents be thoroughly investigated and reported and that the effectiveness of the investigations should not be unduly hampered by considerations of cost; and

Whereas the costs of salvage and investigation of major aircraft accidents may place a heavy financial burden on the resources of the State where the accident occurred;

The Assembly resolves to recommend that Contracting States cooperate in the investigation of major aircraft accidents or accidents in which the investigation requires highly specialized experts and facilities and that to this end Contracting States and regional safety oversight organizations, to the extent possible, inter alia:

- a) provide, on request by other Contracting States, expert assistance and facilities for the investigation of major aircraft accidents; and
- b) afford opportunity to Contracting States seeking investigation experience to attend investigations of major aircraft accidents, in the interest of developing and furthering investigation expertise.

Associated practices

1. Contracting States should be encouraged to support the convening of regional accident investigation workshops with a view to exchanging information on each State's investigation legislation and procedures, on the sharing of knowledge and expertise in investigation management and techniques, on the availability of experts and facilities and on practices in dealing with encountered accident investigation difficulties.

2. Contracting States should be encouraged to facilitate the participation of investigators of accident investigation authorities as observers in investigations in other States for training purposes and orientation visits.

3. Contracting States and regional safety oversight organization should be encouraged to assess their needs and capabilities in the field of aircraft accident investigation and prevention with a view to developing training curricula for basic accident investigation and prevention courses. The use of regional

training centres for such courses should be fully explored as well as the incorporation of the TRAINAIR methodology which provides for internationally standardized training.

4. Contracting States should be encouraged to refer to the model Memorandum of Understanding (MOU) developed by ICAO in 2007 for use by States to encourage mutual cooperation during the investigation of aircraft accidents and serious incidents. The model MOU is available on the ICAO FSIX website.

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