International Civil Aviation Organization

WORKING PAPER

ASSEMBLY — 38TH SESSION

TECHNICAL COMMISSION

Agenda Item 31: Aviation Safety — Emerging Issues

IMPLEMENTATION STATUS OF ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

Guided by Assembly Resolution A37-10: *Proficiency in the English language used for radiotelephony communications,* the Organization pursued efforts in support of the implementation of English language proficiency requirements over the past triennium. While the language proficiency requirements in Annex 1 apply to all languages used in radiotelephony communications, the implementation of these requirements for the English language has been challenging, in part because of the wide variations in language testing quality and processes.

This paper provides a status report on the implementation of these requirements. It also provides information on a) the ICAO Aviation English Language Test Service (AELTS), through which ICAO assesses English language tests in accordance with ICAO criteria; and b) an English language rated speech sample web-based training aid.

Finally, the paper puts forward a proposal that the flexibility clause relative to States who were not compliant with the language provisions by 5 March 2011 be removed from the Assembly Resolution given that the Standards were adopted more than one decade ago and the States have made significant progress in implementing the English language provisions since that time.

Action: The Assembly is invited to:
a) note the ICAO activities supporting the implementation of English language proficiency requirements since the last Assembly; and
b) review the modifications proposed and adopt the Resolution in the appendix on proficiency in the English language used for radiotelephony communications to supersede Resolution A37-10.

Strategic Objectives:	This working paper relates to the Safety Strategic Objective.
Financial implications:	The activities referred to in this paper will be undertaken subject to the resources available in the 2014-2016 Regular Programme Budget and/or from extra budgetary contributions. The ICAO Aviation English Language Test Service (AELTS), mentioned in paragraph 2.2, is carried out on a cost recovery basis.
References:	Doc 9958, *Assembly Resolutions in Force* (as of 8 October 2010) State letter AN 12/44.7-12/60 State letter AN 12/44.6-11/1

1.   **INTRODUCTION**

1.1   In March 2003, the Council adopted amendments to Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 11 — *Air Traffic Services,* to ensure that flight crew, air traffic controllers and aeronautical station operators comply with the language proficiency rating scale (at Level 4 or above) by 5 March 2008. Provisions in Annex 10 — *Aeronautical Telecommunications* require the availability of English language at all stations on the ground serving designated airports and routes used by international air services. While the language proficiency requirements in Annex 1 apply to all languages used in radiotelephony communications, the implementation of these requirements for the English language has been challenging.. The 36th Session of the Assembly adopted Resolution A36-11 to give States additional time to implement the language provisions if they were not in a position to comply by 5 March 2008. The flexibility given to States on the implementation of these Standards was further extended through the adoption of Resolution A37-10.

1.2   In January 2011, ICAO advised States that Assembly Resolution A37-10 called for two major actions: a) Member States that would not comply with the language proficiency requirements by 5 March 2011 were to send to ICAO their implementation plans, which were to be updated on a regular basis after March 2011 until full compliance was reached; and b) ICAO would verify that the implementation plans submitted by States were complete and included timelines and identifiable milestones to be used by ICAO's Universal Safety Oversight Audit Programme (USOAP) Continuous Monitoring Approach.

1.3   Since March 2003, ICAO has transmitted ten State letters related to the ICAO language provisions; conducted two symposia, one technical seminar and numerous workshops; produced two editions of the *Manual on the Implementation of ICAO Language Proficiency Requirements* (Doc 9835), two Circulars, *Language Testing Criteria for Global Harmonization* (Circ 318) and *Guidelines for Aviation English Training Programmes* (Circ 323); and developed tools to support and progress implementation.

1.4   In adopting Resolutions A36-11 and A37-10, the Assembly provided States, airspace users, service providers and the aviation language training and testing industry five additional years to progress the implementation of the provisions. It was recognized during the ICAO Language Proficiency Requirements (LPRs) Technical Seminar conducted from 25 to 27 March 2013 that the aviation community has made substantial progress in implementing these safety critical provisions.

2.   **ICAO ACTIVITIES SUPPORTING THE IMPLEMENTATION**
        OF ENGLISH LANGUAGE PROFICIENCY REQUIREMENTS
        SINCE THE 37TH SESSION OF THE ASSEMBLY

In 2010, ICAO issued the second edition of the Doc 9835. This second edition included additional guidance for civil aviation authorities and test service providers on processes for testing candidates in accordance with the ICAO LPRs. In June 2011, ICAO added an interactive map at http://legacy.icao.int/fsix/lp.cfm based on the information provided by States. This map provides a world view of the status of implementation of the language proficiency requirements and allows users to access implementation plans or statements of compliance.

2.2   In October 2011, ICAO launched the Aviation English Language Test Service (AELTS). Through AELTS, testing instruments are assessed against the language requirements in Annex 1 and in Doc 9835. This service is particularly important as language proficiency testing is largely unregulated and

has resulted in a great amount of variability in the approaches used and outcomes achieved. AELTS provides a means for the aviation language testing community to standardize and improve their practices. This ICAO service also provides information to States, airspace users and service providers on available testing services that use procedures consistent with ICAO criteria.

2.3   In 2012, the Organization launched a new edition of the training aid *ICAO Language Proficiency Requirements – Rated Speech Samples*. The document, which was developed by the International Civil Aviation English Association (ICAEA) for ICAO, can be accessed at http://cfapp.icao.int/rssta/index.cfm and contains 52 speech samples that have undergone rigorous rating and validation processes. It can be used as a reference to standardize rating processes and as a basis for the initial and recurrent training of raters and examiners.

1.4   As of 3 January 2013, one hundred sixty-seven States had provided information concerning their status of implementation. Eighty-one States indicated compliance with the requirements, twenty-three States did not provide implementation plans or statements of compliance. Based on the data available on the ICAO integrated Safety Trend Analysis and Reporting System (iSTARS) secure portal at https://portal.icao.int/istars, the rate of effective implementation for the protocol questions related to the language provisions is at 67.75 per cent.

2.5   Over the last three years, States provided a low number of implementation plans. The Secretariat verified the plans that States provided to ensure they were complete, but did not have the resources to validate the information they contained. However, validated information based on protocol questions for the language provisions is collected through the Universal Safety Oversight Audit Programme Continuous Monitoring Approach and made available through the ICAO website. This provides the necessary tool to continuously monitor the status of compliance of the language proficiency requirements.

3.   **CONCLUSION**

3.1   States have made much progress in implementing the language provisions according to indicators such as the rate of effective implementation of the language provisions as reported through iSTARs and as inferred from the implementation plans on the ICAO website. States should be urged to increase their efforts in addressing critical safety concerns such as the language proficiency requirements.

3.2   The Organization's work programme should continue to include activities to assist States with the implementation of the English language proficiency requirements and to build on existing partnerships with other organizations. Future activities to assist States will focus on Annex 1 requirements for aviation personnel assessed at level 4 or 5, in order to continue to demonstrate proficiency.

3.3   Given that language proficiency requirements have progressively become applicable, since March 2003 when language provisions were adopted to address a critical safety concern, and that the States have made substantial progress in implementing the language provisions, it is proposed that Resolution A37-10 be superseded by the draft resolution presented in the Appendix.

APPENDIX

DRAFT RESOLUTION FOR ADOPTION BY THE

Resolution 38/xx: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States required additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered:

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;

2. *Directs* the Council to continue to support Contracting States in their implementation of the language proficiency requirements;

3. *Encourages* Contracting States to make use of the ICAO Aviation English Language Test Service (AELTS) to verify language testing instruments;

4.   *Urges* Contracting States to make use of the ICAO Language Proficiency Requirements – Rated Speech Samples training aid;

~~3~~5.   *Urges* Contracting States to assist each other in their implementation of the language proficiency requirements; and

~~4.   *Urges* Contracting States that have not complied with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the associated practices below and ICAO guidance material;~~

~~5.   *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;~~

~~6.   *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;~~

~~7.   *Urges* Contracting States not yet fully compliant on 5 March 2011 to continue to provide ICAO with regularly updated implementation plans including progress achieved in meeting their timelines for full compliance;~~

~~8.   *Urges* Contracting States after 5 March 2011 to take a flexible approach towards States that do not yet meet the Language Proficiency Requirements, yet are making progress as evidenced in their implementation plans. Decisions concerning operations should be made on a non-discriminatory basis and not be made for the purpose of gaining economic advantage;~~

~~9.   *Directs* the Council to monitor the status of implementation of the Language Proficiency Requirements and take necessary actions to advance safety and maintain the regularity of international civil aviation;~~

~~10.   *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and~~

~~11~~6   *Declares* that this resolution supersedes Resolution ~~A36-11~~ A37-10.

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