International Civil Aviation Organization | Organisation de l'aviation civile internationale | Organización de Aviación Civil Internacional | Международная организация гражданской авиации | منظمة الطيران المدني الدولي | 国际民用航空组织

Tel.: +1 514-954-8219 ext. 6712

Ref.: AN 2/2.3-14/20 26 March 2014

Subject: Adoption of Amendment 38 to Annex 15

Action required: a) Notify any disapproval before 14 July 2014; b) Notify any differences and compliance before 13 October 2014; c) Consider the use of the Electronic Filing of Differences System (EFOD) for notification of differences and compliance.

Sir/Madam,

1. I have the honour to inform you that Amendment 38 to the *International Standards and Recommended Practices, Aeronautical Information Services* (Annex 15 to the Convention on International Civil Aviation) was adopted by the Council at the fourth meeting of its 201st Session on 3 March 2014. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (http://portal.icao.int) where you can access all other relevant documentation.

2. When adopting the amendment, the Council prescribed 14 July 2014 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 38, to the extent it becomes effective, will become applicable on 13 November 2014.

3. Amendment 38 arises from the work of the Instrument Flight Procedures Panel (IFPP) relating to procedure design criteria and charting requirements to support performance-based navigation (PBN) as well as helicopter point-in-space (PinS) approach and departure operations.

4. The subject of the amendment is shown in the amendment to the Foreword of Annex 15, a copy of which is in Attachment A. The objective of the amendment to the Standards and Recommended Practices (SARPs) relates to improving safety of PBN routes, improved clarification of SBAS and GBAS information as well as associated publication resolution and integrity classification values.

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5. In conformity with the Resolution of Adoption, may I request:

a) that before 14 July 2014 you inform me if there is any part of the adopted Standards and Recommended Practices (SARPs) amendments in Amendment 38 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;

b) that before 13 October 2014 you inform me of the following, using the form in Attachment C for this purpose:

1) any differences that will exist on 13 November 2014 between the national regulations or practices of your Government and the provisions of the whole of Annex 15, as amended by all amendments up to and including Amendment 38, and thereafter of any further differences that may arise; and

2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 15, as amended by all amendments up to and including Amendment 38.

6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 38 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

7. With reference to the request in paragraph 5 b) above, it should be also noted that the Council, at the third meeting of its 192nd Session on 4 March 2011, agreed that pending the development of a concrete policy and operational procedures governing the use of EFOD, this system be used as an alternative means for filing of differences to all Annexes, except for Annex 9 — *Facilitation* and Annex 17 — *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference*. EFOD is currently available on the USOAP restricted website (http://www.icao.int/usoap) which is accessible by all Member States (AN 1/1-11/28 refers) and you are invited to consider using this for notification of compliance and differences.

8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment D.

9. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

10. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Office accredited to your Government.

11. As soon as practicable after the amendment becomes effective, on 14 July 2014, replacement pages incorporating Amendment 38 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

For

Raymond Benjamin
Secretary General

Enclosures:

A — Amendment to the Foreword of Annex 15
B — Form on notification of disapproval of all or part of Amendment 38 to Annex 15
C — Form on notification of compliance with or differences from Annex 15
D — Note on the Notification of Differences

ATTACHMENT A to State letter AN 2/2.3-14/20

AMENDMENT TO THE FOREWORD OF ANNEX 15

Add the following at the end of Table A:

Amendment	***Source(s)***	***Subject***	***Adopted/Approved Effective Applicable***
38	The Instrument Flight Procedures Panel (IFPP)	Procedure design criteria and charting requirements to support performance-based navigation (PBN) as well as helicopter point-in-space (PinS) approach and departure operations	3 March 2014 14 July 2014 13 November 2014

— — — — — — — —

ATTACHMENT B to State letter AN 2/2.3-14/20

NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF AMENDMENT 38 TO ANNEX 15

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

(State) _____hereby wishes to disapprove the following parts of Amendment 38 to Annex 15:

Signature _____

Date _____

NOTES

1) If you wish to disapprove all or part of Amendment 38 to Annex 15, please dispatch this notification of disapproval to reach ICAO Headquarters by 14 July 2014. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 38, it is not necessary to return this notification of disapproval.**

2) This notification should not be considered a notification of compliance with or differences from Annex 15. Separate notifications on this are necessary. (See Attachment C.)

3) Please use extra sheets as required.

ATTACHMENT C to State letter AN 2/2.3-14/20

NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 15
(Including all amendments up to and including Amendment 38)

To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

1. No differences will exist on ———————————————— between the national regulations and/or practices of **(State)** ———————————————— and the provisions of Annex 15, including all amendments up to and including Amendment 38.

2. The following differences will exist on ———————————————— between the regulations and/or practices of (State) ———————————————— and the provisions of Annex 15, including Amendment 38 (Please see Note 3) below.)

a) Annex Provision (Please give exact paragraph reference)	**b) Difference Category** (Please indicate A, B, or C)	**c) Details of Difference** (Please describe the difference clearly and concisely)	**d) Remarks** (Please indicate reasons for the difference)

(Please use extra sheets as required)

3. By the dates indicated below, (State) ———————————————— will have complied with the provisions of Annex 15, including all amendments up to and including Amendment 38 for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date	c) Comments

(Please use extra sheets as required)

Signature ———————————————— Date ————————

NOTES

1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.

2) Please dispatch the form to reach ICAO Headquarters by 13 October 2014.

3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

4) Guidance on the notification of differences from Annex 15 is provided in the Note on the Notification of Differences at Attachment D.

5) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

— — — — — — — —

ATTACHMENT D to State letter AN 2/2.3-14/20

NOTE ON THE NOTIFICATION OF DIFFERENCES TO ANNEX 15 AND FORM OF NOTIFICATION

(*Prepared and issued in accordance with instructions of the Council)*

1. *Introduction*

1.1 The Assembly and the Council, when reviewing the notification of differences by States in compliance with Article 38 of the Convention, have repeatedly noted that the state of such reporting is not entirely satisfactory.

1.2 With a view to achieving a more comprehensive coverage, this note is issued to facilitate the determination and reporting of such differences and to state the primary purpose of such reporting.

1.3 The primary purpose of reporting of differences is to promote safety and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the ICAO Standards.

1.4 Contracting States are, therefore, requested to give particular attention to the notification before 13 October 2014 of differences with respect to Standards in Annex 15. The Council has also urged Contracting States to extend the above considerations to Recommended Practices.

1.5 Contracting States are asked to note further that it is necessary to make an explicit statement of intent to comply where such intent exists, or where such is not the intent, of the difference or differences that will exist. This statement should be made not only to the latest amendment but to the whole Annex, including the amendment.

1.6 If previous notifications have been made in respect of this Annex, detailed repetition may be avoided, if appropriate, by stating the current validity of the earlier notification. States are requested to provide updates of the differences previously notified after each amendment, as appropriate, until the difference no longer exists.

2. *Notification of differences to Annex 15, including Amendment 38*

2.1 Past experience has indicated that the reporting of differences to Annex 15 has in some instances been too extensive since some appear merely to be a different manner of expressing the same intent.

2.2 Guidance to Contracting States in the reporting of differences to Annex 15 can only be given in very general terms. Where the national regulations of States call for compliance with procedures that are not identical but essentially similar to those contained in the Annex, no difference should be reported since the details of the procedures existing are the subject of notification through the medium of aeronautical information publications. Although differences to Recommended Practices are not notifiable under Article 38 of the Convention, Contracting States are urged to notify the Organization of the differences between their national regulations and practices and any corresponding Recommended Practices contained in an Annex. States should categorize each difference notified on the basis of whether the corresponding national regulation is:

a) ***More exacting or exceeds the ICAO Standard or Recommended Practice (SARP) (Category A)***. This category applies when the national regulation is more demanding than the corresponding SARP, or imposes an obligation within the scope of the Annex which is not covered by a SARP. This is of particular importance where a State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

b) ***Different in character or other means of compliance (Category B)***[*]. This category applies when the national regulation is different in character from the corresponding ICAO SARP, or when the national regulation differs in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and

c) ***Less protective or partially implemented/not implemented (Category C)***. This category applies when the national regulation is less protective than the corresponding SARP; or when no national regulation has been promulgated to address the corresponding SARP, in whole or in part.

2.3 When a Contracting State deems an ICAO Standard concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences to Annex 8 provisions related to the design and construction of an aircraft.

2.4 For States that have already fully reported differences from Annex 15 or have reported that no differences exist, the reporting of any further differences occasioned by the amendment should be relatively straightforward; however, attention is called to paragraph 1.5 wherein it is indicated that this statement should be not only to the latest amendment but to the whole Annex, including the amendment.

3. *Form of notification of differences*

3.1 Differences should be notified in the following form:

a) *Reference*: The number of the paragraph or subparagraph in Annex 15 as amended which contains the Standard or Recommended Practice to which the difference relates;

b) *Category*: Indicate the category of the difference as A, B or C in accordance with paragraph 2.2 above;

c) *Description of the difference*: Clearly and concisely describe the difference and its effect; and

[*] The expression "different in character or other means of compliance" in b) would be applied to a national regulation which achieves, by other means, the same objective as that of the corresponding ICAO SARPs and so cannot be classified under a) or c).

d) *Remarks*: Under “Remarks” indicate reasons for the difference and intentions including any planned date for implementation.

3.2 The differences notified will be recorded in a Supplement to the Annex, normally in the terms used by the Contracting State when making the notification. In the interest of making the supplement as useful as possible, please make statements as clear and concise as possible and confine remarks to essential points. Comments on implementation, in accordance with paragraph 4 b) 2) of the Resolution of Adoption, should not be combined with those concerning differences. The provision of extracts from national regulations cannot be considered as sufficient to satisfy the obligation to notify differences. General comments that do not relate to specific differences will not be published in Supplements.

— END —

AMENDMENT No. 38

TO THE

INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES

AERONAUTICAL INFORMATION SERVICES

ANNEX 15

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

The amendment to Annex 15 contained in this document was adopted by the Council of ICAO on **3 March 2014**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **14 July 2014** will become effective on that date and will become applicable on **13 November 2014** as specified in the Resolution of Adoption. (State letter SP 65/4-13/24 refers.)

MARCH 2014

INTERNATIONAL CIVIL AVIATION ORGANIZATION

AMENDMENT 38 TO THE INTERNATIONAL STANDARDS AND RECOMMENDED PRACTICES

AERONAUTICAL INFORMATION SERVICES

RESOLUTION OF ADOPTION

The Council

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 3 March 2014 Amendment 38 to the International Standards contained in the document entitled *International Standards and Recommended Practices, Aeronautical Information Services* which for convenience is designated Annex 15 to the Convention;

2. *Prescribes* 14 July 2014 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;

3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 13 November 2014;

4. *Requests the Secretary General*:

a) to notify each Contracting State immediately of the above action and immediately after 14 July 2014 of those parts of the amendment which have become effective;

b) to request each Contracting State:

1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 13 November 2014 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 13 October 2014, and thereafter to notify the Organization of any further differences that arise;

2) to notify the Organization before 13 October 2014 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;

c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, when the notification of such differences is important for the safety of air navigation, following the procedure specified in subparagraph b) above with respect to differences from Standards.

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NOTES ON THE PRESENTATION OF THE AMENDMENT TO ANNEX 15

The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

1. ~~Text to be deleted is shown with a line through it.~~	text to be deleted
2. New text to be inserted is highlighted with grey shading.	new text to be inserted
3. ~~Text to be deleted is shown with a line through it~~ followed by the replacement text which is highlighted with grey shading.	new text to replace existing text

TEXT OF AMENDMENT 38 TO THE

**INTERNATIONAL STANDARDS
AND RECOMMENDED PRACTICES**

AERONAUTICAL INFORMATION SERVICES

ANNEX 15

TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION

…

**APPENDIX 1. CONTENTS OF
AERONAUTICAL INFORMATION PUBLICATION (AIP)**

…

ENR 3.3 Area navigation routes

Detailed description of ~~area navigation~~ PBN (RNAV and RNP) routes, including:

…

3) magnetic bearing to the nearest degree, geodesic distance to the nearest tenth of a kilometre or tenth of a nautical mile between defined end-points and distance between each successive designated significant point;

…

****** AD 2.19 Radio navigation and landing aids**

Detailed description of radio navigation and landing aids associated with the instrument approach and the terminal area procedures at the aerodrome, including:

…

3) frequency(ies), channel number(s), service provider, and reference path identifier(s) (RPI), as appropriate;

…

6) elevation of the transmitting antenna of DME to the nearest 30 m (100 ft) and of DME/P to the nearest 3 m (10 ft), ~~and~~ elevation of GBAS reference point to the nearest metre or foot, and the ellipsoid height of the point to the nearest metre or foot. For SBAS, the ellipsoid height of the landing threshold point (LTP) or the fictitious threshold point (FTP) to the nearest metre or foot;

7) service volume radius from the GBAS reference point to the nearest kilometre or nautical mile; and

~~7)~~ 8)remarks.

…

APPENDIX 7. AERONAUTICAL DATA PUBLICATION RESOLUTION AND INTEGRITY CLASSIFICATION

…

Table A7-2. Elevation/altitude/height

Elevation/altitude/height	Publication resolution	Integrity Classification
…		
GBAS reference point……	1 m or 1 ft	essential
Heliport crossing height, PinS approaches……	1 m or 1 ft	essential

— END —