

**NOTE ON THE NOTIFICATION OF DIFFERENCES  
AND FORM OF NOTIFICATION WITH RESPECT TO LANGUAGE  
PROVISIONS IN ANNEXES 1, 6, 10 AND 11**

*(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 5 March 2008 of differences with respect to language provisions in Annexes 1, 6, 10 and 11. 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 language provisions in Annexes 1, 6, 10 and 11, 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 language provisions in Annexes 1, 6, 10 and 11*

2.1 Past experience has indicated that the reporting of differences to Annex 6, Part I has in some instances been too extensive since some appear merely to be a different manner of expressing the same intent.

2.21 Guidance to Contracting States in the reporting of differences to language provisions in Annexes 1, 6, 10 and 11 Annex 6, Part I 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.

2.2 For States that have already fully reported differences to language provisions in Annexes 1, 6, 10 and 11 from Annex 6, Part I 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 6, Part I Annexes 1, 6, 10 and 11 as amended which contains the Standard or Recommended Practice to which the difference relates;

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\* 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).

- 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;
- 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.