



International Civil Aviation Organization

A37-WP/63  
TE/17  
23/7/10

## WORKING PAPER

### ASSEMBLY — 37TH SESSION

#### TECHNICAL COMMISSION

#### Agenda Item 34: Proficiency in the English language used for radiotelephony communications

#### IMPLEMENTATION OF THE ICAO LANGUAGE PROFICIENCY REQUIREMENTS

(Presented by the Council of ICAO)

#### EXECUTIVE SUMMARY

Guided by Assembly Resolution A36-11— *Proficiency in the English language used for radiotelephony communications*, the Organization pursued efforts in support of the implementation of language proficiency requirements. Data obtained from States in response to State letter AN 12/44.6-09/53 regarding the level of implementation is provided.

It is recognized that the implementation of language provisions has been challenging, in part because the aviation language training and testing industry are unregulated. Data gathered thus far, however, indicates that significant progress has been achieved and that a majority of States expect to be compliant by 5 March 2011.

The amended resolution is proposed to reflect an update of actions on Resolution A36-11.

**Action:** The Assembly is invited to note the report, review the modifications proposed and adopt the Resolution in the appendix on proficiency in the English language used for radiotelephony communications to supersede Resolution A36-11.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objective A.
<i>Financial implications:</i>	Resources for the activities referred to in this paper are included in the proposed budget for 2011 to 2013.
<i>References:</i>	Doc 9902, <i>Assembly Resolutions in Force</i> (as of 28 September 2007) State letter AN 12/44.6-09/96 State letter AN 12/44.6-09/53

## 1. INTRODUCTION

1.1 Provisions covering the requirement for language proficiency as contained in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 11 — *Air Traffic Services* require States to 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.

1.2 The 36th Session of the Assembly adopted Resolution A36-11 — *Proficiency in the English language used for radiotelephony communications* which urged States that could not comply with language proficiency requirements by the applicability date of 5 March 2008 to develop and publish language proficiency implementation plans.

1.3 States were also invited to communicate the steps they were taking to meet the language proficiency requirements and to mitigate risks for pilots, air traffic controllers and aeronautical station operators involved in international operations during a transition period not exceeding three years after the applicability date of 5 March 2008, i.e. 5 March 2011.

## 2. ICAO ACTIVITIES SUPPORTING THE IMPLEMENTATION OF LANGUAGE PROFICIENCY REQUIREMENTS SINCE THE 36TH SESSION OF THE ASSEMBLY

2.1 In October 2007 ICAO created, on the existing Flight Safety Information Exchange (FSIX) website, a page dedicated to the implementation of the language proficiency requirements (<http://www.icao.int/fsix/lp.cfm>), the purpose of which was to collect implementation plans for compliance with the language proficiency requirements submitted by Contracting States.

2.2 Since then, 147 States have provided information on the FSIX website. Fifty-four States indicated compliance with the requirements. Forty-two States did not provide implementation plans or statements of compliance. All of the eighty-one States that responded to State letter AN 12/44.6-09/53 indicated that they would be compliant with the ICAO Language Proficiency Requirements by 5 March 2011. A total of 106 States, including audited States, have indicated that they were compliant with the language provisions or that they would be compliant by 5 March 2011.

2.3 In order to assist States with the development of their implementation plans, guidelines were developed and workshops were conducted in each of the ICAO Regions prior to the end of March 2008.

2.4 Circular 318, *Language Testing Criteria for Global Harmonization* was issued to comply with the requirement for establishing globally harmonized language testing criteria of Assembly Resolution A36-11. The circular provides guidance to civil aviation authorities and test service providers on processes for testing candidates in accordance with the ICAO language proficiency requirements. It provides recommended criteria to guide the development or selection of aviation language testing programmes, as well as additional guidance material in that regard.

2.5 Several issues have come to light since the publication of the first edition of the *Manual on the Implementation of ICAO Language Proficiency Requirements* (Doc 9835) and therefore the guidance material has to be updated, complemented and re-organized accordingly.

2.6 Based on the expertise and experience of the Board and Members of the International Civil Aviation English Association (ICAEA) ([www.icaea.pansa.pl](http://www.icaea.pansa.pl)), a circular was developed containing guidelines by which aviation English training could be assessed; namely, *Guidelines for Aviation English Training Programmes* (Circ 323). Civil aviation authority personnel, training providers and instructors can use this document to assist them in ensuring training efficiency and effectiveness.

## 2.7 **Rated speech samples project**

2.7.1 A new edition of the training aid *ICAO Language Proficiency Requirements – Rated Speech Samples* is also under development in collaboration with ICAEA and in December 2009, States were invited to provide input on rated speech samples (State letter AN 12/44.6-09/96). The new edition will feature a larger number of speech samples, a wider geographical representation, a more rigorous approach to sample selection and the use of statistical analysis to ensure the homogeneity of ratings.

## 2.8 **ICAO endorsement of aviation language test providers**

2.8.1 In collaboration with the International Language Testing Association (ILTA), the ICAEA, International Federation of Airline Pilots' Associations (IFALPA) and International Federation of Air Traffic Controllers' Associations (IFATCA), ICAO will establish a mechanism which will provide States with impartial recommendations in the selection or development of aviation English language licensing tests that meet ICAO criteria and foster licensing test quality as specified in ICAO guidance among as many test providers as possible. The first endorsement processes are tentatively planned to start by the end of 2010.

## 3. **CONCLUSIONS**

3.1 Sustained efforts to implement the language proficiency requirements are being pursued, especially in light of the Annex 1 requirement whereby those pilots, air traffic controllers and aeronautical station operators that demonstrate proficiency below the Expert Level shall be formally evaluated at intervals in accordance with their level of proficiency.

3.2 It should be noted that language proficiency requirements have progressively become applicable since March 2003. In its recommendation to the 36th Session of the Assembly, the Council indicated that maintaining the applicability date of 5 March 2008 provided a milestone that helped to retain the focus required to implement the safety Standards related to language proficiency as soon as practicable, especially when considering the events that led up to the development of the requirements and the safety benefits that would be realized. Given the response of States concerning the level of implementation of the language provisions, it is proposed that Resolution A36-11 be superseded by the updated draft resolution presented in the appendix.

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## APPENDIX

### DRAFT RESOLUTION FOR ADOPTION BY THE 37TH SESSION OF THE ASSEMBLY

#### **Resolution 34/1: 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 ~~by 5 March 2008~~;

*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 ~~will require~~ **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 by establishing globally harmonized language testing criteria;
3. *Urges* Contracting States that are have not in a position to comply 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;
- ~~4. *Directs* the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008;~~
4. ~~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;
5. ~~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;
6. ~~7.~~ *Urges* Contracting States to provide data concerning their level of implementation of the Language Proficiency Requirements when requested by ICAO;
- ~~8. *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~~
7. ~~9.~~ *Declares* that this resolution supersedes Resolution A32-16 A36-11.

#### Associated practices

**Contracting States that are did not able to meet the Language Proficiency Requirements by 5 March 2008 should:**

1. Develop implementation plans for the Language Proficiency Requirements that include the following:

- a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
  - b) a timeline for establishment of language training and assessment capabilities;
  - c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
  - d) a procedure for endorsing licences to indicate the holders' language proficiency level; and
  - e) designation of a national focal point in relation to the English language proficiency implementation plan;
2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website as soon as practicable, ~~but prior to 5 March 2008~~;
  3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and
  4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

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