



International Civil Aviation Organization

**Fifteenth Meeting of the APANPIRG ATM/AIS/SAR Sub-Group
(ATM/AIS/SAR/SG/15)**

Bangkok, Thailand, 25 – 29 July 2005

Agenda Item 3: Review and progress the tasks assigned to the ATM/AIS/SAR/SG by APANPIRG

REVIEW OF STATE CONTINGENCY PLANNING REQUIREMENTS

(Presented by the Secretariat)

SUMMARY

This paper highlights the ICAO provisions with regard to the requirements for States to have in place contingency measures for application in the event of disruptions to ATS and associated services, and reviews issues of State Contingency Planning in the APANPIRG context.

The paper notifies the poor response to a survey by the Regional Office, in accordance with APANPIRG Conclusion 12/6, in regard to the status of State contingency planning arrangements.

1. INTRODUCTION

1.1 On 27 June 1984, the ICAO Council approved the Guidelines for Contingency Measures for Application in the Event of Disruptions of Air Traffic Services and Related Supporting Services. The approved guidelines were subsequently included in the *Air Traffic Services Planning Manual* (Doc 9426), Part II, Section 1, Chapter 1, paragraph 1.3 and were later included as Attachment D to Annex 11 – *Air Traffic Services*.

1.2 During 2002, events which had required contingency planning were examined by ICAO in the context of the guidelines, and the following points were noted by the Air Navigation Commission:

- a) few States appeared to have developed contingency plans in anticipation of circumstances which will, or may, result in a disruption of air traffic services and/or related supporting services;
- b) contingency planning was often initiated only when occurrences which create disruptions were imminent or already a recognized fact;
- c) the time available for contingency planning and implementation is often so short that the necessary coordination between States, the operators and ICAO, and the timely promulgation of NOTAM is difficult to achieve; and
- d) when military activities are involved, coordination between military airspace users and air traffic services authorities is often inadequate.

2. DISCUSSION

ICAO Provisions

2.1 In view of the foregoing, amendments to Annexes 11 and 15 were considered necessary in order to promote timely contingency planning and application as well as to provide for a variety of circumstances affecting the safety and regularity of international civil aircraft operations. Accordingly, amendments were incorporated, effective 27 November 2003, which introduced a Standard in Annex 11 (at paragraph 2.28) for States to develop and promulgate contingency plans, and introduced a provision to Annex 15 (at paragraph 5.1.1.1, w) and x)) regarding the promulgation by NOTAM of contingency measures.

2.2 The Annex 11 provisions require that:

Air traffic services authorities shall develop and promulgate contingency plans for implementation in the event of disruption, or potential disruption, of air traffic services and related supporting services in the airspace for which they are responsible for the provision of such services. Such contingency plans shall be developed with the assistance of ICAO as necessary, in close coordination with the air traffic services authorities responsible for the provision of services in adjacent portions of airspace and with airspace users concerned.

2.3 The original guidelines contained in the *Air Traffic Services Planning Manual* (Doc 9426) relating to the development, promulgation and implementation of contingency plans have also been incorporated as Attachment D to Annex 11.

APANPIRG Considerations

2.4 During APANPIRG/10 (August/September 1999), the meeting noted that the Regional Office had initiated action in 1995 for States to prepare ATS Contingency Plans. These plans proved to be extremely useful during the lead up to the Y2K rollover, and APANPIRG/10 endorsed the highly commendable co-operative efforts by States and international organizations in the development of the Asia/Pacific Regional Y2K Contingency Plan. The meeting agreed that this plan had a continuing role to play after the year 2000 rollover in future regional and State contingency planning, and concluded:

Conclusion 10/37 *Development of general contingency plans*

That the Asia Pacific Regional and State Y2K Contingency Plans and State LOAs or MOUs be used to form the basis on which to develop general contingency arrangements which will permit the continuation of air traffic in the event of any significant degradation of air traffic services and systems.

2.5 In respect of Conclusion 10/37, APANPIRG/11 (October 2000) endorsed a target date requiring the finalization of State Contingency plans by the end of 2001.

2.6 APANPIRG/12 (August 2001) noted, given the ongoing APANPIRG item (C10/37) for the development of ATS Contingency Plans, that these plans would normally be coordinated between appropriate States during this development work. This was particularly in relation to the exchange of Contingency Plans between neighbouring States that might be able to provide assistance during a contingency, and to raise awareness of what assistance or services might be required for example, the provision of communications or SAR alerting services.

2.7 APANPIRG/12 also noted that the Secretariat considered that a survey of States should be conducted to determine the status of contingency planning arrangements in the Region and the extent to which Contingency Plans are exchanged between States so that the magnitude of the issue could be more properly gauged. The meeting therefore formulated the following Conclusion:

Conclusion 12/6 – Regional Contingency Planning Survey

That, ICAO survey States in the Asia/Pacific Region to determine the status of contingency planning and the extent to which contingency plans are exchanged between neighboring States.

2.8 In its review of matters relating to Conclusion 10/37, APANPIRG/13 (September 2002) was presented with a framework which had been developed by one State which laid out the steps in the development of a State Contingency Plan. APANPIRG/13 urged States to use this document, in association with their State Y2K Contingency Plans, in the development of State Contingency Plans where this had not already been completed and endorsed an extension of the target date for completion until the end of 2003.

2.9 APANPIRG/13 also considered recent instances in which restricted airspace had been declared (September 11, 2001 terrorist attacks) or was about to be declared (State industrial action) over the high seas that had an impact on the provision of air traffic services to international civil operations. The meeting was advised that while the closing of airspace was a State's decision in their sovereign airspace, the closure of air space over the high seas is in breach of the Convention on International Civil Aviation. Consequently, APANPIRG/13 formulated the following Conclusion:

Conclusion 13/8 – Contingency Planning

That, States review, amend or develop contingency plans that will:

- a) provide a safe and orderly flow of international air traffic in the event of disruptions of air traffic services and related supporting services,*
- b) preserve the availability of major world air traffic routes within the air transportation system: and,*
- c) ensure continuous access to airspace for international civil flights over areas of the high seas.*

2.10 In its review of Conclusion 13/8, APANPIRG/14 (August 2003) noted that the Air Navigation Commission had submitted to the Council amendments to Annexes 11 and 15, with applicability date of 27 November 2003, concerning the development and promulgation of contingency plans. On the basis of this information, APANPIRG/14 considered Conclusion 13/8 as completed. After discussion, APANPIRG/14 also considered that the provisions of Conclusion 10/37 had been superseded by Conclusion 12/6 and therefore regarded conclusion 10/37 as completed.

2.11 In addition, APANPIRG/14 recognized that the Regional Office survey of State contingency plans called for under Conclusion 12/6 had not yet been undertaken, and noted the matter as ongoing. The meeting urged States to complete State Contingency Plans and send a copy to the Regional Office.

2.12 APANPIRG/15 (August 2004) was advised that the survey of contingency plans raised under Conclusion 12/6 had still not been undertaken, due to resource constraints at the Regional Office. Also, no State Contingency Plans had been received at the Regional Office. The Regional Office agreed to undertake the survey during the first half of 2005 with a view to reporting to APANPIRG/16 in this regard.

Survey of State Contingency Planning Arrangements

2.13 During March 2005, ICAO State Letter AP029/05 (ATM) notifying the conduct of a survey of State contingency planning arrangements was transmitted to States of the Asia and Pacific Region. The letter requested that States provide to the Regional Office, not later than 30 June 2005, the following details in regard to international airspace:

- a) Copies of existing contingency plans;
- b) Copies of contingency plans under preparation with a statement of intended completion date;
- c) Details of the degree of alignment of existing contingency plans with the ICAO approved Guidelines for Contingency Measures for Application in the Event of Disruptions of Air Traffic Services and Related Supporting Services as contained in the *Air Traffic Services Planning Manual* (Doc 9426), Part II, Section 1, Chapter 1, paragraph 1.3, and Attachment D to Annex 11 (*Air Traffic Services*);
- d) Information regarding any exchange of contingency plans between States;
- e) History of activation (including exercise) of contingency plans, including date and circumstances of last activation;
- f) In the event no contingency plans are held, a statement of intent in regard to the development of contingency plans; and
- g) Other relevant information related to State contingency planning circumstances.

2.14 Subsequent to 30 June 2005, it was intended that the Regional Office would collate the information received from States in response to the survey, with a view to providing appropriate reporting of the status of State contingency planning arrangements to APANPIRG/16 during August 2005.

2.15 Unfortunately, as at 16 July 2005, the Regional Office had only received responses from one third of Asia Pacific States (i.e. 12 States) and of these, a number had indicated that plans were still under development with expected completion dates in late 2005. In some instances, State responses did not fully address the parameters described in the survey.

3. ACTION BY THE MEETING

3.1 The meeting is invited to:

- a) note and review the ICAO provisions in relation to State contingency planning arrangements;
- b) note the conduct of a survey by the Regional Office, in order to assess the status of State contingency planning arrangements in accordance with APANPIRG Conclusion 12/6;
- c) note the limited number and adequacy of responses received at the Regional Office by the 30 June 2005 survey response date and identify mechanisms to improve State responses to the survey; and
- d) discuss contingency planning issues and identify impediments that may limit the ability of States to comply with the relevant provisions.

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