



**WORKING PAPER**

**ASSEMBLY — 38TH SESSION**

**EXECUTIVE COMMITTEE**

**Agenda Item 25: Other high-level policy issues to be considered by the Executive Committee**

**FORMULATION AND IMPLEMENTATION OF STANDARDS AND RECOMMENDED PRACTICES (SARPS) AND PROCEDURES FOR AIR NAVIGATION SERVICES (PANS) AND NOTIFICATION OF DIFFERENCES**

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

Article 38 of the *Convention on International Civil Aviation* (Doc 7300, Chicago Convention) contains an obligation for each Contracting State to give immediate notification to ICAO of the differences between its own regulations or practices and that established by the corresponding international Standard. Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, States are urged to do so (Resolution A37-15, Appendix D, Associated Practice 3 refers). Also, Annex 15 – *Aeronautical Information Services* requires States to publish significant differences between the national regulations and practices and the related international Standard and Recommended Practices (SARPs) in their Aeronautical Information Publication (AIP).

The primary purpose of the notification and publication of differences is to promote safety, regularity and efficiency in international civil aviation by ensuring that all stakeholders are made aware of national rules and practices in so far as they differ from those prescribed in the SARPs. Member States, however, continue to experience difficulties in fulfilling their obligations due to various reasons. This paper reports on the outcome of a study on the issues in respect of the notification and publication of differences and the activities undertaken by ICAO to address these issues. Since increased commitment from ICAO and Member States is vital to improve the current situation, a stand-alone Resolution is proposed to highlight the importance of such commitment and broaden the scope of the ICAO continuing policies related to SARPs and technical guidance material, currently in Resolution A37-15, to encompass all Annexes and technical guidance material.

**Action:** The Assembly is invited to:

- a) consider the material in Section 2 of this paper; and
- b) review and adopt the proposed Resolution in Appendix A to supersede Appendices A, D and E of Resolution A37-15 and consolidate the material in a Resolution.

<i>Strategic Objectives:</i>	This working paper relates to all Strategic Objectives.
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken according to priority with the resources available in the approved budget 2013 to 2016.
<i>References:</i>	Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010) Doc 7300, <i>Convention on International Civil Aviation</i>

## 1. INTRODUCTION

1.1 The primary purpose of the notification and publication of differences is to promote safety, regularity and efficiency in international civil aviation. According to the Universal Safety Oversight Audit Programme (USOAP), the status of the notification and publication of differences remains far from satisfactory. In view of the importance of the subject, a comprehensive study on the issues surrounding the topic was conducted with an aim to improving relevant rules and procedures and providing additional guidance to assist Member States. The outcome is discussed here-below.

1.2 This paper proposes a consolidation of Appendices A, D and E of Resolution A37-15 into a single resolution, and amendments to certain elements by aligning and harmonizing the text to accommodate references to all Annexes, and to introduce new operative clauses. A proposed Resolution on the formulation and implementation of Standard and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) is provided in Appendix A. Background information and justification are in Appendix B.

## 2. ISSUES IN RESPECT OF THE NOTIFICATION AND PUBLICATION OF DIFFERENCES

2.1 **Documents relating to the notification of differences.** A thorough review was carried out of the existing ICAO documents related to differences. It was evident that more clarity and consistency in guidelines were required as to what constitutes a difference or a significant difference in the various documents. In addition, an analysis of differences recorded in the Electronic Filing of Differences (EFOD) system revealed that additional guidelines including some examples would help Member States identify a difference that needed to be notified to ICAO and/or to be published in the AIP as required by Annex 15 — *Aeronautical Information Services*.

2.2 A detailed review and improvement of existing documents are well under way to clarify the obligation and requirements under Article 38 and Annex 15 as well as to provide consistent guidelines. In particular, an amendment of the Note on the Notification of Differences (Note)<sup>1</sup> has been given priority since it is the primary guidance on the determination and reporting of differences. States are now being consulted on the proposed amendment to the Note.

2.3 **Lack of effective process and procedures in States.** In accordance with the audit results under the USOAP, most States which failed to fulfil their obligations regarding differences did not have effective processes and procedures in place for identifying and notifying differences. Effective processes and procedures are needed to ensure that responsibilities are properly assigned to personnel within the civil aviation authority, and that relevant governmental organizations and industry stakeholders are duly consulted. Without such processes and procedures, it is more difficult to notify differences in a consistent and timely manner.

2.4 To this end, ICAO has been working on the development of new guidance material dedicated to the notification of differences and publication of significant differences that would include, but not be limited to: a) guidance on the identification and notification of differences; b) examples of

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<sup>1</sup> The Note on the Notification of Differences, approved by the Council, is the primary guidance on the determination and reporting of differences. It accompanies each State Letter in which Member States are informed of amendments to Annexes. Since 1950, the Note has been amended three times. The latest amendment to the Note was made on 17 March 2006. The intent of this amendment was to improve the existing system by aligning it with the USOAP Compliance Checklist that is completed by Member States prior to their audits.

well-defined differences and significant differences; and c) examples of model processes and procedures for management of the notification of differences.

2.5 **Annex amendments.** Over the past five years, there have been a high number of amendments to various Annexes. Considering the entire process that States undergo, it is often very difficult for States to fulfil their notification and publication of difference obligations in a timely manner given the number of SARPs created or amended over short periods of time. It becomes even more difficult when the amendments involve financial and industrial arrangements.

2.6 **Interpretation of some Annex provisions.** During an analysis of differences, it was also noted that a number of Annex provisions may be open to different interpretation. Moreover, in many Member States where the working language is not one of the ICAO working languages, the interpretation may be affected while Annex provisions are translated into their native language. Difficulty in comprehending and interpreting provisions is also compounded by the trend towards performance-based Standards, which are not prescriptive in the ways and means to achieve compliance.

2.7 With a view to resolving the issues described in paragraphs 2.5 and 2.6, ICAO has embarked on several initiatives to improve the current processes for the development and amendment of SARPs and PANS. The initiatives aim to set more practical applicability dates and to improve the quality, relevance and practicability of SARPs and PANS. In addition, ICAO has already begun, in some areas, to implement a strategy to plan and provide basic roll-outs of new or modified SARPs. Subject to the given resources, the plan aims to have guidance and possible training material available to States at the time of adoption. In order to make current processes more efficient, it is recommended that ICAO implement a mechanism to systemically determine a priority in the revision and development of guidance material.

2.8 **Limited value of delayed and outdated paper-based Supplements.** An analysis of the paper-based Supplements to Annexes indicated that differences notified by States were not promptly made available (in some instances it took an average of 22 months ranging from 8 to 45 months to publish after an Annex amendment became applicable). At the present time, most Supplements are not current as they do not include the latest Annex amendment. Delays and the non-availability of up-to-date differences information may have diminished the importance and value of differences information and discouraged States from reporting or notifying differences in a timely manner.

2.9 In order to improve the timeliness of information on differences, ICAO has been streamlining the process of publishing the Supplements by encouraging States to make more use of the EFOD system. The first version of the E-Supplements has been launched on the CMA Online Framework ([www.icao.int/usoap](http://www.icao.int/usoap)). The E-Supplements, at the moment, include only differences which were entered and verified by States in the EFOD system as per State letter AN1/1-11/28 dated 1 April 2011. To this end, Member States are urged to support this new process by transitioning to the use of the EFOD system instead of employing the paper-based process for the notification of their differences.

2.10 It should be noted that the number of notified differences has increased significantly and the Secretariat does not currently have the capacity to translate these differences into all ICAO working languages and publish them in a timely manner. In this regard, and in the interest of making differences information broadly available and useful to as many States as possible, and in order to facilitate the work of the Secretariat, Member States are encouraged to provide an English text, translated for the purpose of

publishing in the AIP<sup>2</sup>, when notifying their differences in one of the ICAO working languages other than English.

2.11 **Limited resources and knowledge within civil aviation authorities (CAA).** The process of the notification of differences involves technical, legal and administrative personnel. Fifty-two per cent of the States audited under USOAP have not established formal training programmes and plans in general for their staff involved. This means that many States encounter difficulties in providing the technical, legal and administrative training necessary for their personnel to monitor the situation with regard to the level of compliance and/or differences and effectively perform their duties and responsibilities accordingly.

2.12 In order to assist States with the work related to compliance with SARPs or identification of differences, ICAO has been developing computer-based training (CBT) aimed to provide more guidance as well as to raise awareness among Member States on the importance of the notification and publication of differences. Moreover, for States which lack resources in general, ICAO prepared additional guidance on prioritizing their work in the revised Global Aviation Safety Plan (GASP) presented in A38-92. In addition, ICAO encourages Member States to provide financial and technical resources and share best practices to others that are in need.

2.13 **State commitment.** It is recognized that in a number of States, aviation might not be high on the national agenda when compared to other areas such as health, education and poverty. Moreover, it is possible that the notification and publication of differences is not considered as important as other aviation activities such as licensing, certification and surveillance.

2.14 It is also recognized that, with the exception of differences to Annex 17— *Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference*, increased transparency relating to differences information will encourage States to be more responsible for fulfilling their obligations towards complying with SARPs or notifying their differences. Therefore, ICAO proposes the introduction of: a) a mechanism to make validated differences information more readily available to all interested stakeholders; and b) a means to prevent misuse of such information.

### 3. CONCLUSION

3.1 The primary purpose of the notification and publication of differences is to promote safety, regularity and efficiency in international civil aviation by ensuring that all stakeholders are made aware of national rules and practices in so far as they differ from those prescribed in the SARPs. Member States, however, continue to experience difficulties in fulfilling their obligation on this matter due to various internal and external reasons, as described in section 2 above. Therefore, increased commitment from ICAO and Member States is vital to continue improving the current situation. In reflection of the above, it is recommended that the scope of Appendices A, D and E of Resolution A37-15 be widened and the material be consolidated in a stand-alone Resolution that would encompass all Annexes and technical guidance material.

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<sup>2</sup> In accordance with the requirements of Annex 15, Contracting States are required to publish any significant differences in their AIP and to include English text for those parts expressed in plain language.

## APPENDIX A

### DRAFT RESOLUTION FOR ADOPTION BY THE 38TH SESSION OF THE ASSEMBLY

#### **Resolution A38-XX: Formulation and Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and Notification of Differences**

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires the Organization to adopt and amend international standards and recommended practices and procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and or deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO;

*Whereas* the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the Convention;

~~*Whereas* the terms “Standard” and “Recommended Practice” have the following meanings:~~

~~a) Standard any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and~~

~~b) Recommended Practice any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;~~

*Recognizing* the effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;

*Recognizing* that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;

*Noting* that many Contracting States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the Convention and keeping pace with frequent amendments to Annexes;

~~Recognizing that Whereas~~ up-to-date ICAO technical guidance material ~~made available through ICAO~~ provides extremely valuable assistance to ~~administrations~~ Contracting States in the ~~planning for effective~~ implementation of ~~Standards and Recommended Practices~~ SARPs, PANS ~~Procedures for Air Navigation Services and Regional Plans~~;

~~Whereas~~ it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;

~~Whereas~~ no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO;

~~Whereas~~ the maintenance of existing all manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;

~~Recognizing~~ that substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;

~~Noting~~ the increase of the number of notified differences to ICAO;

~~Whereas~~ ~~Recognizing~~ that there is a strong need ~~it is important that for~~ all available means of the ~~Organization~~ to be sought and employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

~~The Assembly resolves that:~~

1. ~~Calls on~~ Contracting States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the Convention;
2. ~~Resolves that~~ SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, *inter alia*, to provide a sound basis for global and regional planning ~~and the provision of facilities and services~~ and implementation;
3. ~~Agrees that~~ subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency and editorial amendments shall be made only if essential;
4. ~~Reiterates that~~ SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, regularity and efficiency. Supporting technical specifications, when developed by ICAO, shall be placed in separate documents to the extent possible;
5. ~~ICAO should~~ ~~Instructs the Council to~~ utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards making organizations in the development of SARPs, ~~procedures~~ PANS and ICAO technical guidance material.

Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;

6. *Resolves* that to the extent consistent with the requirements of safety ~~and,~~ regularity and efficiency, ~~Standards~~ SARPs specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;

7. ~~Contracting States shall be consulted~~ *Instructs* the Council to consult Contracting States on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with Contracting States. Such material shall however be made available to Contracting States upon request;

8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Contracting States sufficient time for their implementation;

9. *Agrees* that no Annex or PANS document shall be amended more frequently than once per calendar year;

10. ~~Contracting States should also be requested~~ *Reminds* Contracting States of the requirement in Annex 15 to publish ~~in their AIPs~~ any significant differences ~~from the SARPs and PANS~~ in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;

11. *Encourages* Contracting States, when notifying their differences in one of the ICAO working languages other than English, to provide also an English text of their differences in the interest of making differences information as broadly available and useful as possible;

12. *Encourages* Contracting States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO.

13. *Instructs* the Secretary General to continue improving the EFOD system and assist Contracting States in transitioning from the paper-based processes to the use of the EFOD system.

14. ~~The differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored~~ *Directs* the Council to monitor and analyse the differences between the regulations and the practices of Contracting States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety ~~and,~~ regularity and efficiency of international air navigation ~~or are inconsistent with the objectives of the Organization;~~

~~The Council shall analyse the root cause for non-implementation and take-~~ing appropriate actions;

15. *Instructs* the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;

16. *Resolves* that Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided with more guidance in respect of the notification and publication of differences;
17. *Calls on* all Contracting States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;
18. ~~*The Assembly Resolves* that priority shall be provided~~ *Instructs* ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material ~~as warranted by advancing technology~~ thus ensuring optimum value for Contracting States in their planning and implementation ~~Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services of SARPs and PANS.~~
19. *Resolves* that the associated practices ~~with the individual policies in the appendices in this Resolution~~ constitute guidance intended to facilitate and ensure implementation of ~~the respective policies~~ this Resolution; and
20. *Declares* that this Resolution supersedes ~~A36-13 with its Appendices A to W inclusive~~ Resolution A37-15, Appendixes A, D and E.

#### **Associated practices**

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications
2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.
4. ~~In the application of the provision in Resolving Clause 8,~~ The Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.
5. The Council, prior to the adoption and approval of amendments to SARPs and PANS, should take into account feasibility of the implementation of SARPs and PANS by the intended applicability dates.



6. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle.

7. ~~The notifications of~~ Differences from SARPs received should be promptly issued in supplements to the Annexes made available to Contracting States.

8. In encouraging and assisting Contracting States in the application-implementation of SARPs and PANS, the Council should make use of all existing means of ICAO including the resources of ICAO Headquarters, the ICAO Regional Offices, and strengthen partnerships with the United Nations Development Programme and entities which provide resources and assistance towards development of international civil aviation.

9. Contracting States should establish-continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, Contracting States should consider the practicability of modifying the internal processes and procedures by which they give effect to the implementation of provisions of SARPs and PANS. if such modifications would expedite or simplify the processes or make them more effective.

4. ~~In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.~~

10. The Council, taking into account the requirement to improve still further existing safety levels, ICAO should keep under review-update and develop the ICAO technical manuals and circulars programme guidance material in accordance with the established priorities to adequately cover all technical fields. so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.

2. ~~The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.~~

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APPENDIX B

BACKGROUND AND REASONS FOR PROPOSED TEXTS OF A RESOLUTION

Proposed Text	Remarks
<b>Preamble</b>	
<p><i>Whereas</i> Article 37 of the <i>Convention on International Civil Aviation</i> requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, paragraph 1 of the preamble.</p>
<p><i>Whereas</i> Article 37 of the <i>Convention on International Civil Aviation</i> requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, paragraph 1 of the preamble.</p>
<p><i>Whereas</i> in accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and or deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO;</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, paragraph 2 of the preamble.</p> <p>A small change is proposed in order to align the text of the Resolution with Article 38 of the Convention.</p>
<p><i>Whereas</i> the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the Convention;</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, paragraph 2 of the preamble.</p>
<p><i>Whereas</i> the terms “Standard” and “Recommended Practice” have the following meanings:</p> <p>a) Standard any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and</p>	<p>This clause was in Resolution A37-15, Appendix A, paragraph 3 of the preamble. It is proposed to delete this clause because:</p> <p>a) the meaning of terms “Standard” and “Recommended Practice” is readily available in the foreword of each Annex; and</p> <p>b) the proposed resolution would apply to all Annexes. The terms “Standard” and “Recommended Practice” for Annex 9 are slightly different from the rest of Annexes (C/780).</p>

<p><del>b) Recommended Practice any specification for physical characteristics, configuration, material, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;</del></p>	
<p><i>Recognizing</i> effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;</p>	<p>It is proposed to include these new clauses in order to:</p>
<p><i>Recognizing</i> that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;</p>	<p>a) reiterate the importance of Articles 37 and 38 of the Convention; and b) provide background and/or reasons for new operative clauses 1, 12 and 13.</p>
<p><i>Noting</i> that many Contracting States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the Convention and keeping pace with frequent amendments to Annexes;</p>	<p>It is proposed to include this new clause in order to:</p> <p>a) address the audit results of the Universal Safety Oversight Audit Programme Comprehensive Systems Approach (USOAP CSA); and b) provide background and/or reasons for new operative clauses 3, 8, 9 and 15.</p>
<p><i>Recognizing</i> that <i>Whereas</i> up-to-date ICAO technical guidance material <del>made available through ICAO</del> provides extremely valuable assistance to <del>administrations</del> Contracting States in the <del>planning</del> for effective implementation of <del>Standards and Recommended Practices</del> SARPs, PANS <del>Procedures for Air Navigation Services</del> and Regional Plans;</p> <p><del>Whereas</del> it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;</p>	<p>These clauses are transferred from Resolution A37-15, Appendix E, paragraphs 1 and 2 of the preamble.</p> <p>It is proposed to merge these two interrelated clauses and to explain the importance and value of technical guidance material in a broader term “assistance in the effective implementation”, which includes planning for implementation and training of staff.</p>

<p><del>Whereas no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO;</del></p>	<p>This clause was in Resolution A37-15, Appendix E, paragraph 3 of the preamble.</p> <p>It is proposed to delete this clause. Appendix E was first introduced during the 18th Session of the Assembly in 1971 when there were not many alternatives for the provision of technical guidance.</p> <p>This is no longer the case. There are more and more entities on the international level that provide guidance material.</p>
<p><del>Whereas the maintenance of existing all manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;</del></p> <p><i>Recognizing that</i> substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;</p>	<p>This clause was in Resolution A37-15, Appendix E, paragraph 4 of the preamble.</p> <p>It is proposed to rephrase this clause to reflect the current situation of the Secretariat.</p>
<p><i>Noting</i> the increase of the number of notified differences to ICAO;</p>	<p>It is proposed to include this new clause to reflect the current situation and provide background and/or reasons for new operative clause 11.</p>
<p><del>Whereas</del> <i>Recognizing</i> that there is a strong need <del>it is important that</del> for all available means of the <del>Organization</del> to be sought and employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, paragraph 3 of the preamble.</p> <p>The corresponding operative clause includes other entities that may provide resources and assistance.</p>
<b>Operative clauses</b>	
<p><del>The Assembly resolves that:</del></p> <p>1. <i>Calls on</i> Contracting States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the Convention;</p>	<p>It is proposed to include this new clause to reaffirm the commitment of Contracting States to fulfil their obligations under Articles 37 and 38 of the Convention.</p>
<p>2. <i>Resolves</i> that SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, <i>inter alia</i>, to provide a sound basis for global and regional planning <del>and the provision of facilities and services and implementation;</del></p>	<p>This clause is transferred from Resolution A37-15, Appendix A, operative clause 1.</p> <p>It is proposed to include “global planning”, which didn’t exist in 1956 when this operative clause was first introduced, and to expand to all areas the scope for which a sound basis is provided.</p>
<p>3. <i>Agrees</i> that subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, operative clause 2.</p>

enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency and editorial amendments shall be made only if essential;	
4. <i>Reiterates</i> that SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, regularity and efficiency. Supporting technical specifications, when developed by ICAO, shall be placed in separate documents to the extent possible;	This clause is transferred from Resolution A37-15, Appendix A, operative clause 3.  It is proposed to use the text from Article 37 of the Convention in order to clarify that the proposed resolution would apply to all Annexes.
5. <del>ICAO should instruct</del> the Council to utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards making organizations in the development of SARPs, <del>procedures</del> PANS and ICAO technical guidance material. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;	This clause is transferred from Resolution A37-15, Appendix A, operative clause 4.  A small change is proposed to clarify the word “procedures” and to make the text of the proposed Resolution consistent.
6. <i>Resolves</i> that to the extent consistent with the requirements of safety <del>and</del> , regularity and efficiency, <del>Standards</del> SARPs specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;	This clause is transferred from Resolution A37-15, Appendix A, operative clause 5.  This change is proposed to harmonize the text with the rest of the proposed Resolution and to clarify that the proposed resolution would apply to all Annexes.
7. <del>Contracting States shall be consulted</del> <i>Instructs</i> the Council to consult Contracting States on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with Contracting States. Such material shall however be made available to Contracting States upon request;	This clause is transferred from Resolution A37-15, Appendix A, operative clause 6.
8. <i>Resolves</i> that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Contracting States sufficient time for their implementation;	This clause is transferred from Resolution A37-15, Appendix A, operative clause 7.
9. <i>Agrees</i> that no Annex or PANS document shall	This clause is transferred from Resolution A37-15,

<p>be amended more frequently than once per calendar year;</p>	<p>Appendix A, operative clause 8.</p>
<p><del>10. Contracting States should also be requested Reminds</del> Contracting States of the requirement in Annex 15 to publish in their AIPs, any significant differences from the SARPs and PANS in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, paragraph 3 of Associated practices . A new change is proposed to remind Contracting States of the requirement of Annex 15 regarding the use of English text in the AIP as well as publication of significant differences in the AIP.</p>
<p>11. Encourages Contracting States, when notifying their differences in one of the ICAO working languages other than English, to provide an English text of their differences in the interest of making differences information as broadly available and useful as possible;</p>	<p>It is proposed to include this new operative clause to encourage Contracting States to use the English text of differences, prepared for publication in the AIP, when notifying differences to ICAO.</p> <p>This will facilitate the process of making differences information immediately available and broadly useful.</p>
<p>12. Encourages Contracting States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO.</p>	<p>It is proposed to include this new operative clause in order to encourage Contracting States to use the EFOD system as an alternative means of notifying differences as agreed by the Council (C-DEC 192/3).</p>
<p>13. Instructs the Secretary General to continue improving the EFOD system and assist Contracting States in transitioning from the paper-based processes to the use of the EFOD system.</p>	<p>It is also proposed to include this new operative clause to mandate the Secretary General to continue its effort in making the EFOD system as the primary means for notifying differences with ultimate goal of replacing the paper-based process.</p>
<p><del>14. The differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored Directs</del> the Council to monitor and analyse the differences between the regulations and the practices of Contracting States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety and, regularity and efficiency of international air navigation or are inconsistent with the objectives of the Organization;</p> <p><del>Instructs the Council to analyse the root cause for non-implementation and take ing appropriate actions;</del></p>	<p>These clauses are transferred from Resolution A37-15, Appendix D, operative clauses 2 and 3.</p> <p>It is proposed to merge these two interrelated operative clauses and harmonize the text with the rest of the Resolution</p>
<p>15. Instructs the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;</p>	<p>It is propose to include this new operative clause to:</p> <ul style="list-style-type: none"> <li>a) outline the importance of transparency and sharing of differences information for; and</li> <li>b) encourage Contracting States to comply with</li> </ul>

	SARPs or notify their differences by increasing transparency of the differences information.
16. <i>Resolves</i> that Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided with more guidance in respect of the notification and publication of differences;	This clause is transferred from Resolution A37-15, Appendix D, operative clause 1.  It is proposed to request ICAO to provide more guidance to States as the study on the issues demonstrated that more clarity and consistency in guidelines were required as to what constitutes a difference or a significant difference in the various documents.
17. <i>Calls on</i> all Contracting States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;	It is proposed to include this new operative clause to request Contracting States to provide assistance and cooperation.
18. <del>The Assembly Resolves that priority shall be provided</del> <i>Instructs</i> ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material <del>as warranted by advancing technology</del> thus ensuring optimum value for Contracting States in their planning and implementation <del>Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services of SARPs and PANS;</del>	This clause is transferred from Resolution A37-15, Appendix E, operative clause 1.  It is proposed to rephrase the clause to instruct the ICAO to identify an optimum way of updating and developing ICAO technical guidance material using the given resources of ICAO.
19. <i>Resolves</i> that the associated practices <del>with the individual policies in the appendices</del> in this Resolution constitute guidance intended to facilitate and ensure implementation of <del>the respective policies</del> this Resolution; and	This clause is transferred from Resolution A37-15, general part, operative clause 1 b).
20. <i>Declares</i> that this Resolution supersedes <del>A36-13 with it Appendices A to W inclusive</del> Resolution A37-15, Appendixes A, D and E.	This clause is transferred from Resolution A37-15, general part, operative clause 2.



<b>Associated practices</b>	
<p>1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications</p>	<p>This clause is transferred from Resolution A37-15, Appendix A Associated practices, paragraph 1.</p>
<p>2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, Associated practices, paragraph 2.</p>
<p>3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, Associated practices, paragraph 3.</p>
<p>4. <del>In the application of the provision in Resolving Clause 8,</del> The Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.</p>	<p>This clause is transferred from Resolution A37-15, Appendix A, Associated practices, paragraph 4.</p>
<p>5. The Council, prior to the adoption and approval of amendments to SARPs and PANS, should take into account feasibility of the implementation of SARPs and PANS by the intended applicability dates.</p>	<p>It is proposed to include this new associated practice in order to enhance the impact and feasibility assessment aspect of the amendment process.</p>

<p>6. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle.</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, Associated practices, paragraph 3.</p>
<p>7. <del>The notifications of</del> Differences from SARPs received should be promptly <del>issued in supplements to the Annexes</del> made available to Contracting States.</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, Associated practices, paragraph 3.</p> <p>It is proposed to revise the text to broaden the means of disseminating differences information.</p>
<p>8. In encouraging and assisting Contracting States in the <del>application</del> implementation of SARPs and PANS, the Council should make use of all existing means of ICAO <del>including the resources of ICAO Headquarters, the ICAO Regional Offices,</del> and strengthen partnerships with the United Nations Development Programme and other entities which provide resources and assistance towards development of international civil aviation.</p>	<p>This clause is transferred from Resolution A37-15, Appendix D, Associated practices, paragraph 1.</p> <p>This change is proposed to reference the effort by the Council to strengthen partnerships with other entities that provide resources and assistance.</p>
<p>9. Contracting States should <del>establish</del> continue, and where necessary should intensify, their efforts to apply at their operating installations <del>practices and procedures that are in accordance with the current SARPs and PANS. In this regard, Contracting States should consider the practicability of</del> modifying the internal processes and procedures by which they give effect to the implementation of provisions of SARPs and PANS. <del>if such modifications would expedite or simplify the processes or make them more effective.</del></p>	<p>This clause is transferred from Resolution A37-15, Appendix D, Associated practices, paragraph 2.</p> <p>This change is proposed to encourage Contracting States to establish internal processes to ensure that SARPs and PANS are implemented in a timely manner.</p>
<p>4. <del>In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.</del></p>	<p>This clause was in Resolution A37-15, Appendix D, Associated practices, paragraph 4.</p> <p>It is proposed to delete the clause since this is no longer in practice. Instead, this is validated through USOAP process.</p>

<p><del>10. The Council, taking into account the requirement to improve still further existing safety levels, ICAO should keep under review update and develop the ICAO technical manuals and circulars programme guidance material in accordance with the established priorities to adequately cover all technical fields. so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.</del></p> <p><del>2. The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.</del></p>	<p>These clauses are transferred from Resolution A37-15, Appendix E, Associated practices, paragraphs 1 and 2.</p> <p>It is proposed to merge the two interrelated clauses and to revise the text to make it in line with operative clause 16.</p>
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