



ASSEMBLY — 38TH SESSION

EXECUTIVE COMMITTEE

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

DEVELOPMENT OF GUIDANCE MATERIAL FOR THE IDENTIFICATION AND NOTIFICATION OF DIFFERENCES

(Presented by the Bolivarian Republic of Venezuela)

EXECUTIVE SUMMARY

The process for the identification and notification of differences is a fundamental one, and an obligation for States Party to the Chicago Convention. The main purpose of the process is to promote safety and efficiency in air navigation by ensuring that all stakeholders concerned with international civil aviation are made aware of all national rules and practices in so far as they differ from those prescribed in the SARPs. The Assembly and the Council of ICAO have observed that notifications of differences received are often not wholly satisfactory. For this reason, mechanisms must be developed to strengthen this important process.

Action: The Assembly is invited to:

- a) take note of the information presented in this working paper; and
- b) urge ICAO to take actions necessary to:
 - i) develop guidance material that is thorough and well defined, and explains the process for the identification and notification of differences and publication of significant differences; and
 - ii) develop training initiatives for the identification and notification of differences.

<i>Strategic Objectives:</i>	This working paper relates to all Strategic Objectives.
<i>Financial implications:</i>	Not applicable.
<i>References:</i>	<ul style="list-style-type: none">• <i>Convention on International Civil Aviation</i>• <i>Annex 15 – Aeronautical Information Service</i>• <i>Aeronautical Information Services Manual (Doc 8126)</i>• <i>Electronic Bulletin 2011/17</i>• <i>State letter AN 1/1-11/28</i>• <i>Note on the notification of differences from Annexes and form of notification (contained in State letters regarding the adoption of amendments to Annexes)</i>• <i>Council working paper C-WP/13954</i>

¹ Spanish version provided by Venezuela.
(3 pages)

1. INTRODUCTION

1.1 Article 38 of the *Convention on International Civil Aviation* says that any State which finds it impracticable to comply in all respects with an international Standard or Procedure contained in the Annexes to the *Convention*, or to bring its own regulations or practices into full accord with any international Standard or Procedure after amendment of the latter, or which deems it necessary to adopt regulations or practices differing in any particular respect from those established by an international Standard, shall give immediate notification to the International Civil Aviation Organization of the differences between its own practice and that established by the international Standard.

1.2 Upon examination of notifications of differences received, the Assembly and the Council of ICAO have found that they often are not wholly satisfactory by the terms of the *Note on the notification of differences from Annexes and form of notification*.

2. DISCUSSION

2.1 The process of identifying and notifying differences is a fundamental one and an obligation for States Party to the Chicago Convention. The main purpose of the process is to promote safety and efficiency in air navigation by ensuring that all stakeholders concerned with international civil aviation are made aware of all national rules and practices in so far as they differ from those prescribed in the SARPs.

2.2 As stated in paragraph 1.2, States have been encountering problems in identifying and filing differences, which could significantly impact safety since the information contained in the Supplement to an Annex may not be accurate.

2.3 Analysis of the process for identification and notification of differences has shown that the problems might be caused by a lack of training and explicit guidance in the proper execution of the process. Although ICAO State letters regarding the adoption of amendments to Annexes include the *Note on the notification of differences from Annexes and form of notification* in an attachment, said *Note* does not give a good enough practical explanation on how to correctly report information.

2.4 For this reason, ICAO should develop guidance material on the process for the identification and notification of differences as well as training initiatives, either in the form of regional workshops or on-line tutorials.

2.5 At the third meeting of its 192nd Session on 4 March 2011, the Council decided that, “Pending the development of a policy and concrete operational procedures governing the use of the Electronic Filing of Differences (EFOD) system, States should be invited to use EFOD as an alternative means for filing of differences to all Annexes excluding Annex 9 – *Facilitation* and Annex 17 – *Security – Safeguarding International Civil Aviation against Acts of Unlawful Interference*.” In State letters regarding the adoption of amendments to Annexes, States are invited to consider using EFOD to notify compliance and differences.

2.6 State letter AN 1/1-11/28 indicates that EFOD was intended as “a more efficient means for reporting and researching differences from Standards and Recommended Practices (SARPs) and as a substitute for the existing paper-based mechanism. It was also meant to reduce duplication of effort by allowing States to report compliance and differences only once to serve obligations under the *Convention* and the Universal Safety Oversight Audit Programme (USOAP) MoU.”

2.7 However, State letters regarding the adoption of Annex amendments presently stipulate that compliance with or differences from Annexes to the Convention should be notified to ICAO using the form attached to the letter.

2.8 It is important that notifications of differences through EFOD be possible in all ICAO official languages.

2.9 Insofar as EFOD is supposed to replace paper notifications, the functionalities of the system should be improved to make it more user-friendly. Furthermore, States should be able to download differences identified and filed one-by-one, with precise indications of the date and time of downloading so as to have a physical record of the differences. Indeed, not all concerned individuals and entities within States necessarily have access to the EFOD system.

3. CONCLUSION

3.1 New technical documents and training activities for States will help solve some, if not all of the problems encountered in the process of identifying and filing of differences, and contribute significantly to the development of international civil aviation.

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