AIR NAVIGATION COMMISSION

ANC Task No. OPS-8904: Incorporation of security into aircraft design

FINAL REVIEW OF PROPOSED AMENDMENTS TO ANNEX 6 IN THE LIGHT OF COMMENTS FROM STATES AND INTERNATIONAL ORGANIZATIONS, AND APPROVAL OF DRAFT REPORT TO COUNCIL ON AN ELEMENT OF AMENDMENT 27 TO ANNEX 6, PART I

(Presented by the Director of the Air Navigation Bureau)

SUMMARY

This paper presents the results of a consultation with States and international organizations on proposals by the Air Navigation Commission for the amendment of Annex 6, Part I, arising from a study by the Secretariat with the assistance of a study group, and presents a draft report to Council on an element of Amendment 27 to Annex 6, Part I.

Action by the Air Navigation Commission is in paragraph 6.

COORDINATION

AVSEC, LEB

REFERENCES

AN-WP/7706
AN-WP/7594 and DP No. 1
AN Min 159-3
AN Min. 158-1
*AN Min. 156-5
*AN Min. 156-4
Annex 8 — Airworthiness of Aircraft
Annex 17 — Security — Safeguarding International Civil Aviation against Acts of Unlawful Interference

Doc 7300, Convention on International Civil Aviation
Resolutions Adopted by the Assembly (Provisional Edition), October 2001
*State letter AN 3/40-01/58, dated 15 June 2001
State letter AN 3/40-01/113, dated 29 November 2001
High-Level, Ministerial Conference on Aviation Security Declaration

*Principal references
1. **INTRODUCTION**

1.1 On 25 and 30 January 2001, the Air Navigation Commission (156-4 and 5) carried out a preliminary review (AN-WP/7594 and Discussion Paper No. 1) of proposed amendments to Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes* and Annex 8 — *Airworthiness of Aircraft* to incorporate security into aircraft design. The proposals arose from a study by the Secretariat with the assistance of an air navigation study group. The Commission agreed that the proposed amendments to Annex 6, Part I and Annex 8, as amended by the discussion, be circulated to States and international organizations for comment.

1.2 Accordingly, State letter AN 3/40-01/58, dated 15 June 2001, was sent with a due date for replies of 30 September 2001. However, as a consequence of the events on 11 September 2001, the Commission (158-1) on 16 October 2001, agreed that Contracting States should be granted additional time in which to reply to the above-mentioned State letter. Accordingly, State letter AN 3/40-01/113, dated 29 November 2001, was sent indicating the extension of the reply date to 28 January 2002.

1.3 In view of the timescale for adoption of the amendment to Annex 6, the necessary draft report to Council has been provided for an element of Amendment 27 to Annex 6, Part I at Appendix C.

2. **SUMMARY OF REPLIES**

2.1 By 28 January 2002, fifty-four replies had been received from fifty-three Contracting States and one international organization. By 20 February 2002, sixty replies had been received from fifty-eight Contracting States and two international organizations. Two States took advantage of the additional comment period provided by State letter AN 3/40-01/113 to provide a second reply. A summary of the replies is at Appendix A.

3. **NATURE AND SCOPE OF THE REPLIES**

3.1 Replies received after 30 September 2001 indicated that new security measures should be considered by the Secretariat in light of the events on 11 September 2001. The comments from States reflected a need to consider effective measures to deal with flight deck protection, and that action be taken in an expeditious and timely manner to facilitate protection against future threats or attacks.

4. **SECRETARIAT REVIEW**

4.1 Substantive comments received from States and international organizations, together with the Secretariat’s comments and the action proposed are at Appendix B. In view of the extensive nature of the changes proposed, a revised text for the proposed amendments to Annex 6, Part I is at Appendix C.

4.2 Following the terrorist acts in the United States on 11 September 2001, and mindful of Resolution A33-1 of the 33rd Session of the Assembly, the Secretariat is submitting this partial amendment to Annex 6, Part I at Appendix C for immediate consideration. The Annex 6 amendment is seen as an immediate necessity, because of the exceptional circumstances and the urgency of the current situation to deal with operational safety and security issues. In view of the complexity of the Annex 8 issues, a further working paper will be submitted during the next session of the Commission concerning the final review of the proposed amendment to Annex 8 to incorporate security into aircraft design.
4.3 The proposals set forth in Annex 6, Part I, Chapter 13. Security, paragraphs 13.1 Security of the flight crew compartment, 13.2 Aeroplane search procedure checklist, 13.3 Training programmes, and 13.5 Miscellaneous, include additional security measures focussed on the prevention of the use of commercial aeroplanes as weapons of mass destruction. Further, take-off mass and passenger seating capacity limits are included, and Recommended Practices are proposed to be upgraded to Standards where appropriate.

4.4 In light of comments received, amendments are proposed which significantly amplify the proposals circulated to States. However, they are deemed to be operationally urgent and should not be delayed by a further round of consultation with States and international organizations. It should be noted that: Assembly Resolution A33-14, Appendix A, Resolving Clause 6 provides for the Council to amend SARPS and PANS without consulting Contracting States when urgent action is deemed necessary; Resolution A-33-1, Operative Clause 7 directs the Council and the Secretary General to act urgently to address the new and emerging threats to civil aviation; and most recently the High-Level Ministerial Conference on Aviation Security held in Montreal, 19 to 20 February 2002, endorsed the “strengthening of the security-related provisions in the Annexes to the Convention on International Civil Aviation, using expedited procedures where warranted and subject to overall safety considerations, notably in the first instance to provide for protection of the flight deck”. The measures contained in the proposed amendment to Annex 6, Part I are required without delay because of the exceptional circumstances and the urgency to combat the threat of further acts of unlawful interference.

5. APPLICABILITY DATE

5.1 The Commission (159-3) has already agreed to an applicability date for Amendment 27 to Annex 6, Part I of 28 November 2002. The present proposal, if approved by the Commission, will be amalgamated, in a consolidated report to Council, with the amendment already approved (ANC 159-3) for submission to Council.

6. ACTION BY THE AIR NAVIGATION COMMISSION

6.1 The Air Navigation Commission is invited to:

a) note the summary of replies at Appendix A;

b) consider the material in Appendix B and decide on the action to be taken on the matters raised therein;

c) agree that the proposed amendment to Annex 6, Part I, as contained in Attachment A to State letter AN 3/40-01/58, and as modified by b) above, be consolidated with the amendment proposal approved by the Commission (159-3) for inclusion in Amendment 27 to Annex 6, Part I, for applicability on 28 November 2002; and

d) approve the draft report to Council for an element of Amendment 27 to Annex 6, Part I at Appendix E, subject to modifications made under b) above.