

2.32 Contingency arrangements

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.

Note 1.— Guidance material relating to the development, promulgation and implementation of contingency plans is contained in Attachment C.

Note 2.— Contingency plans may constitute a temporary deviation from the approved regional air navigation plans; such deviations are approved, as necessary, by the President of the ICAO Council on behalf of the Council.

2.33 Identification and delineation of prohibited, restricted and danger areas

2.33.1 Each prohibited area, restricted area, or danger area established by a State shall, upon initial establishment, be given an identification and full details shall be promulgated.

Note.— See PANS-AIM (Doc 10066), Appendix 2, ENR 5.1.

ATTACHMENT C. MATERIAL RELATING TO CONTINGENCY PLANNING

(Chapter 2, 2.32 refers)

1. Introduction

1.1 Guidelines for contingency measures for application in the event of disruptions of air traffic services and related supporting services were first approved by the Council on 27 June 1984 in response to Assembly Resolution A23-12, following a study by the Air Navigation Commission and consultation with States and international organizations concerned, as required by the Resolution. The guidelines were subsequently amended and amplified in the light of experience gained with the application of contingency measures in various parts of the world and in differing circumstances.

1.2 The purpose of the guidelines is to assist in providing for the safe and orderly flow of international air traffic in the event of disruptions of air traffic services and related supporting services and in preserving the availability of major world air routes within the air transportation system in such circumstances.

1.3 The guidelines have been developed in recognition of the fact that circumstances before and during events causing disruptions of services to international civil aviation vary widely and that contingency measures, including access to designated aerodromes for humanitarian reasons, in response to specific events and circumstances must be adapted to these circumstances. They set forth the allocation of responsibility among States and ICAO for the conduct of contingency planning and the measures to be taken into consideration in developing, applying and terminating the application of such plans.

1.4 The guidelines are based on experience which has shown, inter alia, that the effects of disruption of services in particular portions of airspace are likely to affect significantly the services in adjacent airspace, thereby creating a requirement for international coordination, with the assistance of ICAO as appropriate. Hence, the role of ICAO in the field of contingency planning and coordination of such plans is described in the guidelines. They also reflect the experience that ICAO's role in contingency planning must be global and not limited to airspace over the high seas and areas of undetermined sovereignty, if the availability of major world air routes within the air transportation system is to be preserved. Finally, they further reflect the fact that international organizations concerned, such as the International Air Transport Association (IATA) and the International Federation of Airline Pilots' Associations (IFALPA), are valuable advisers on the practicability of overall plans and elements of such plans.

2. Status of contingency plans

Contingency plans are intended to provide alternative facilities and services to those provided for in the regional air navigation plan when those facilities and services are temporarily not available. Contingency arrangements are therefore temporary in nature, remain in effect only until the services and facilities of the regional air navigation plan are reactivated and, accordingly, do not constitute amendments to the regional plan requiring processing in accordance with the "Procedure for the Amendment of Approved Regional Plans". Instead, in cases where the contingency plan would temporarily deviate from the approved regional air navigation plan, such deviations are approved, as necessary, by the President of the ICAO Council on behalf of the Council.

3. Responsibility for developing, promulgating and implementing contingency plans

3.1 The State(s) responsible for providing air traffic services and related supporting services in particular portions of airspace is (are) also responsible, in the event of disruption or potential disruption of these services, for instituting measures to ensure the safety of international civil aviation operations and, where possible, for making provisions for alternative facilities and services. To that end the State(s) should develop, promulgate and implement appropriate contingency plans. Such plans should be developed in consultation with other States and airspace users concerned and with ICAO, as appropriate, whenever the effects of the service disruption(s) are likely to affect the services in adjacent airspace.

3.2 The responsibility for appropriate contingency action in respect of airspace over the high seas continues to rest with the State(s) normally responsible for providing the services until, and unless, that responsibility is temporarily reassigned by ICAO to (an)other State(s).

3.3 Similarly, the responsibility for appropriate contingency action in respect of airspace where the responsibility for providing the services has been delegated by another State continues to rest with the State providing the services until, and unless, the delegating State terminates temporarily the delegation. Upon termination, the delegating State assumes responsibility for appropriate contingency action.

3.4 ICAO will initiate and coordinate appropriate contingency action in the event of disruption of air traffic services and related supporting services affecting international civil aviation operations provided by a State wherein, for some reason, the authorities cannot adequately discharge the responsibility referred to in 3.1. In such circumstances, ICAO will work in coordination with States responsible for airspace adjacent to that affected by the disruption and in close consultation with international organizations concerned. ICAO will also initiate and coordinate appropriate contingency action at the request of States.

4. Preparatory action

4.1 Time is essential in contingency planning if hazards to air navigation are to be reasonably prevented. Timely introduction of contingency arrangements requires decisive initiative and action, which again presupposes that contingency plans have, as far as practicable, been completed and agreed among the parties concerned before the occurrence of the event requiring contingency action, including the manner and timing of promulgating such arrangements.

4.2 For the reasons given in 4.1, States should take preparatory action, as appropriate, for facilitating timely introduction of contingency arrangements. Such preparatory action should include:

- a) preparation of general contingency plans for introduction in respect of generally foreseeable events such as industrial action or labour unrest affecting the provision of air traffic services and/or supporting services. In recognition of the fact that the world aviation community is not party to such disputes, States providing services in airspace over the high seas or of undetermined sovereignty should take appropriate action to ensure that adequate air traffic services will continue to be provided to international civil aviation operations in non-sovereign airspace. For the same reason, States providing air traffic services in their own airspace or, by delegation, in the airspace of (an)other State(s) should take appropriate action to ensure that adequate air traffic services will continue to be provided to international civil aviation operations concerned, which do not involve landing or take-off in the State(s) affected by industrial action;
- b) assessment of risk to civil air traffic due to military conflict or acts of unlawful interference with civil aviation as well as a review of the likelihood and possible consequences of natural disasters or public health emergencies. Preparatory action should include initial development of special contingency plans in respect of natural disasters, public health emergencies, military conflicts or acts of unlawful interference with civil aviation that are likely to affect the availability of airspace for civil aircraft operations and/or the provision of air traffic services and

supporting services. It should be recognized that avoidance of particular portions of airspace on short notice will require special efforts by States responsible for adjacent portions of airspace and by international aircraft operators with regard to planning of alternative routings and services, and the air traffic services authorities of States should therefore, as far as practicable, endeavour to anticipate the need for such alternative actions;

- c) monitoring of any developments that might lead to events requiring contingency arrangements to be developed and applied. States should consider designating persons/administrative units to undertake such monitoring and, when necessary, to initiate effective follow-up action; and
- d) designation/establishment of a central agency which, in the event of disruption of air traffic services and introduction of contingency arrangements, would be able to provide, 24 hours a day, up-to-date information on the situation and associated contingency measures until the system has returned to normal. A coordinating team should be designated within, or in association with, such a central agency for the purpose of coordinating activities during the disruption.

4.3 ICAO will be available for monitoring developments that might lead to events requiring contingency arrangements to be developed and applied and will, as necessary, assist in the development and application of such arrangements. During the emergence of a potential crisis, a coordinating team will be established in the Regional Office(s) concerned and at ICAO Headquarters in Montreal, and arrangements will be made for competent staff to be available or reachable 24 hours a day. The tasks of these teams will be to monitor continuously information from all relevant sources, to arrange for the constant supply of relevant information received by the State aeronautical information service at the location of the Regional Office and Headquarters, to liaise with international organizations concerned and their regional organizations, as appropriate, and to exchange up-to-date information with States directly concerned and States which are potential participants in contingency arrangements. Upon analysis of all available data, authority for initiating the action considered necessary in the circumstances will be obtained from the State(s) concerned.

5. Coordination

5.1 A contingency plan should be acceptable to providers and users of contingency services alike, i.e. in terms of the ability of the providers to discharge the functions assigned to them and in terms of safety of operations and traffic handling capacity provided by the plan in the circumstances.

5.2 Accordingly, States which anticipate or experience disruption of air traffic services and/or related supporting services should advise, as early as practicable, the ICAO Regional Office accredited to them, and other States whose services might be affected. Such advice should include information on associated contingency measures or a request for assistance in formulating contingency plans.

5.3 Detailed coordination requirements should be determined by States and/or ICAO, as appropriate, keeping the above in mind. In the case of contingency arrangements not appreciably affecting airspace users or service provided outside the airspace of the (single) State involved, coordination requirements are naturally few or non-existent. Such cases are believed to be few.

5.4 In the case of multi-State ventures, detailed coordination leading to formal agreement of the emerging contingency plan should be undertaken with each State which is to participate. Such detailed coordination should also be undertaken with those States whose services will be significantly affected, for example by re-routing of traffic, and with international organizations concerned who provide invaluable operational insight and experience.

5.5 Whenever necessary to ensure orderly transition to contingency arrangements, the coordination referred to in this section should include agreement on a detailed, common NOTAM text to be promulgated at a commonly agreed effective date.

6. Development, promulgation and application of contingency plans

6.1 Development of a sound contingency plan is dependent upon circumstances, including the availability, or not, of the airspace affected by the disruptive circumstances for use by international civil aviation operations. Sovereign airspace can be used only on the initiative of, or with the agreement or consent of, the authorities of the State concerned regarding such use. Otherwise, the contingency arrangements must involve bypassing the airspace and should be developed by adjacent States or by ICAO in cooperation with such adjacent States. In the case of airspace over the high seas or of undetermined sovereignty, development of the contingency plan might involve, depending upon circumstances, including the degree of erosion of the alternative services offered, temporary reassignment by ICAO of the responsibility for providing air traffic services in the airspace concerned.

6.2 Development of a contingency plan presupposes as much information as possible on current and alternative routes, navigational capability of aircraft and availability or partial availability of navigational guidance from ground-based aids, surveillance and communications capability of adjacent air traffic services units, volume and types of aircraft to be accommodated and the actual status of the air traffic services, communications, meteorological and aeronautical information services. Following are the main elements to be considered for contingency planning depending upon circumstances:

- a) re-routing of traffic to avoid the whole or part of the airspace concerned, normally involving establishment of additional routes or route segments with associated conditions for their use;
- b) establishment of a simplified route network through the airspace concerned, if it is available, together with a flight level allocation scheme to ensure lateral and vertical separation, and a procedure for adjacent area control centres to establish longitudinal separation at the entry point and to maintain such separation through the airspace;
- c) reassignment of responsibility for providing air traffic services in airspace over the high seas or in delegated airspace;
- d) provision and operation of adequate air-ground communications, AFTN and ATS direct speech links, including reassignment, to adjacent States, of the responsibility for providing meteorological information and information on status of navigation aids;
- e) special arrangements for collecting and disseminating in-flight and post-flight reports from aircraft;
- f) a requirement for aircraft to maintain continuous listening watch on a specified pilot-pilot VHF frequency in specified areas where air-ground communications are uncertain or non-existent and to broadcast on that frequency, preferably in English, position information and estimates, including start and completion of climb and descent;
- g) a requirement for all aircraft in specified areas to display navigation and anti-collision lights at all times;
- h) a requirement and procedures for aircraft to maintain an increased longitudinal separation that may be established between aircraft at the same cruising level;
- i) a requirement for climbing and descending well to the right of the centre line of specifically identified routes;
- j) establishment of arrangements for controlled access to the contingency area to prevent overloading of the contingency system; and
- k) a requirement for all operations in the contingency area to be conducted in accordance with IFR, including allocation of IFR flight levels, from the relevant Table of Cruising Levels in Appendix 3 of Annex 2, to ATS routes in the area.

6.3 Notification, by NOTAM, of anticipated or actual disruption of air traffic services and/or related supporting services should be dispatched to users of air navigation services as early as practicable. The NOTAM should include the associated contingency arrangements. In the case of foreseeable disruption, the advance notice should in any case not be less than 48 hours.

6.4 Notification by NOTAM of discontinuance of contingency measures and reactivation of the services set forth in the regional air navigation plan should be dispatched as early as practicable to ensure an orderly transfer from contingency conditions to normal conditions.

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