



ICAO

International Civil Aviation Organization

The Eighth Meeting of the APANPIRG ATM Sub-Group

Bangkok, Thailand, 23 – 27 November 2020

## Agenda Item 6: ATM Coordination (Meetings, Route Development, Contingency Planning)

### CIVIL-MILITARY COOPERATION UPDATE

(Presented by the Secretariat)

#### SUMMARY

This paper presents information on Asia/Pacific's civil-military cooperation issues and initiatives, which are critical for safety and very relevant for COVID-19 recovery in terms of efficient procedures to support airlines.

## 1. INTRODUCTION

1.1 Civil-military cooperation remains one of the highest priority items in the Asia/Pacific Region, as evidenced by the eleven Seamless ATM elements on this subject. Given that the Asia/Pacific is now the largest aviation market in the world by several measures and the fact that the Region does not have the same civil-military cooperation structures in place that North America and Europe do, progress in this area is considered vital. The *Asia/Pacific Seamless ANS Plan's* elements are as follows:

- a) **Strategic Coordination.** This element emphasised the creation of a permanent body, facilities and procedures to facilitate long and medium-term planning for optimal civil and military operations, and the tactical coordination element. This element features the establishment of a national body that encompasses military (and State aircraft operators) and civil stakeholders, to develop high level Civil-Military cooperation policy.
- b) **Tactical Coordination.** The establishment of facilities and procedures derived from the high level strategic coordination body for the daily, safe and efficient tactical management of operations. Tactical coordination features participation of military officers at appropriate civil ATM meetings, airspace scheduling through interaction and communications between civil and military units, and military representation within civil ATC Centres where necessary.
- c) **Airspace Review.** The regular review of SUA and controlled airspace, to ensure that the means and notice of activation provide adequate warning for other airspace users, the SUA types reflect the usage, and the lateral and vertical limits are the minimum required to safely contain the activity therein (Annex 11 2.19.2.1 (b) refers). The review of airspace should be conducted by an airspace authority independent or a collaboration of civil and military airspace users.
- d) **Flexible Use Airspace.** Mechanisms to ensure the minimisation of airspace being exclusively assigned for civil or military use in accordance with FUA principles, assessed by the percentage of military SUA within a Flight Information Region (FIR).
- e) **International Airspace.** The minimisation of SUA and other military entities that may adversely affect international airspace. Restricted and prohibited areas must not be designated within international airspace or airspace of undefined sovereignty.

f) **Integrated Civil-Military ATM Systems.** The integration of civil and military ATM systems where practicable, including the management of civil and State UAS aircraft, policies and procedures to manage State aircraft that are non-compliant with civil requirements, systems to manage civil and military SAR units, and joint procurement of systems where possible.

g) **Joint Civil-Military Aerodromes and Navigation Aids:** The operation of joint civil-military aerodromes if possible, and the provision of navigation aids that could be utilised by both civil and military aircraft where practical.

h) **Shared Civil-Military Data:** The provision of ATS surveillance data from civil surveillance systems to military units to improve monitoring (thereby minimising the need for individual defence identification authorisation), trust and confidence. The provision of surveillance data from military surveillance systems where this would enhance ATS surveillance coverage and redundancy; suitably filtered as appropriate.

1.2 Regional policy elements related to civil-military cooperation are copied from the Asia/Pacific Seamless ANS Plan (Version 3.0) as follows:

*7.16 Civil-Military Airspace expectations are as follows:*

*a) SUA should only be established after due consideration of its effect on civil air traffic by the appropriate Airspace Authority to ensure it will be:*

- used for the purpose that it is established;*
- used regularly;*
- as small as possible, including any internal buffers, required to contain the activity therein;*
- if applicable, operated in accordance with FUA principles; and*
- activated only when it is being utilised; and*

*b) SUA should be regularly reviewed to ensure the activities that affect the airspace, and size and timing of such activity are accurately reflected by the SUA type, dimensions, activation notice and duration of activation.*

*7.44 Civil-Military ATM expectations are as follows:*

*a) a national Civil-Military body should be formed to coordinate strategic civil-military activities (military training should be conducted in locations and/or at times that do not adversely affect civilian operations, particularly those associated with major aerodromes);*

*b) formal civil-military liaison should take place for tactical responses by encouraging military participation at civil ATM meetings and within ATC Centres;*

*c) integration of civil and military ATM systems using joint procurement, and sharing of ATS surveillance data (especially from ADS-B systems) should be provided as far as practicable;*

*d) joint provision of Civil-Military navigation aids and aerodromes;*

*e) common training should be conducted between civil and military ATM units in areas of common interest; and*

*f) civil and military ATM units should utilize common procedures as far as practicable.*

*Note: the term 'military' in this context may include other State functions such as customs, police, and paramilitary activities.*

7.45 All States with organisations that conduct ballistic launch or space re-entry activities should ensure:

- a) the development of written coordination agreements between the State civil aviation authority and the launch/re-entry agency concerned;
- b) that strategic coordination is conducted between the State civil aviation authority and any States affected by the launch/re-entry activity at least 14 days prior to the proposed activity, providing notice of at least:
  - i) three days for the defined launch window; and
  - ii) 24 hours for the actual planned launch timing;
- c) that consideration of affected airspace users and ANSPs is made after consultation, so that the size of the airspace affected is minimized and the launch window is optimized for the least possible disruption to other users ; and
- d) that communication is established with affected ANSPs to provide accurate and timely information on the launch/re-entry activity to manage tactical responses (for example, emergencies and activity completion) (Priority 1).

Note 1: increasingly, ballistic launch and space re-entry activity is being conducted by commercial organisations, so this element applies equally to State or private operations.

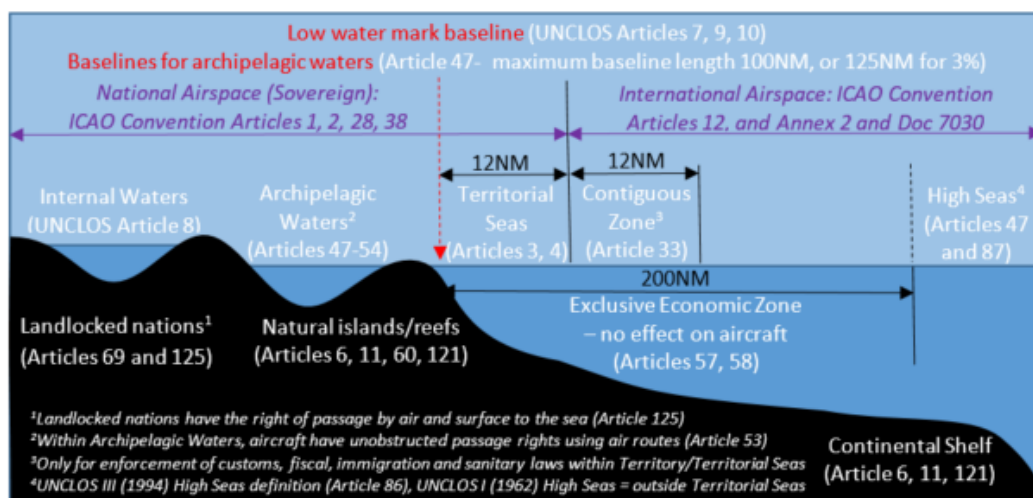
Note 2: guidance for States on ballistic launch and space re-entry activity is available on the ICAO Asia/Pacific eDocuments webpage.

## 2. DISCUSSION

### International Airspace and Civil-Military Cooperation

2.1 The meeting should recall that the ATM/SG had discussed the relationship between international airspace and how this related to civil and military operations. The following guidance material and an enlargement of **Figure 1** is available on the ICAO Regional Office website at:

<https://www.icao.int/APAC/Documents/edocs/International%20Airspace%20and%20Civil-Military%20Cooperation.pdf>



**Figure 1:** Maritime and Airspace Volumes as Defined by UNCLOS (white/red = UNCLOS, purple = CC)

2.2 Key aspects related to the *United Nations Convention on the Law of the Sea* (UNCLOS) and the *Convention on International Civil Aviation* ('Chicago Convention' or 'CC') for civil and military operations from the guidance material are reproduced as follows.

- Although UNCLOS is titled as a 'Law of the Sea', its provisions also affect airspace and the operation of aircraft!
- In particular, UNCLOS defines volumes of airspace that are sovereign and international (where States may make laws and where States may not make universal laws\* respectively). It should be noted that the terms 'national airspace' and 'international airspace' are descriptive in nature, but do not appear in UNCLOS or the CC.

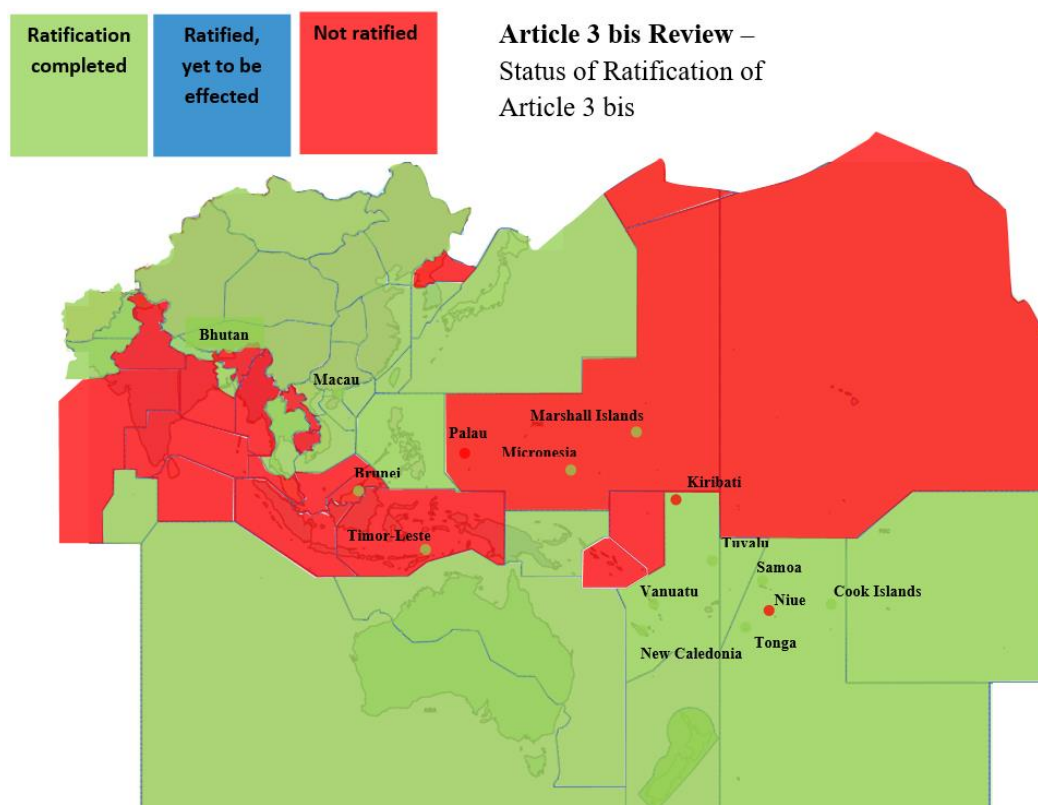
*\*Note: notwithstanding this, States may enact laws for their own citizens and aircraft registered in those States for operations within international airspace.*

- The volumes of airspace are dependent on the definition of 'baselines' in UNCLOS, which are generally based on the maritime shoreline, whether the shore is continental in nature or the outermost part of a chain of islands (an archipelago). However, not all island groups are archipelagos, as the islands must be no more than 100NM apart to meet the definition of being an archipelago (except for 3%, 125NM apart).
- Archipelagic Waters and the airspace above them are sovereign and part of the territory of the State concerned, which is relevant for Article 28 of the CC (provision of air navigation services). However, the sovereignty of archipelagic airspace is not the same as other territorial airspace, as aircraft have the right of 'continuous and expeditious' passage, so cannot be denied transit through this area (UNCLOS Article 53).
- Exclusive Economic Zones (EEZs) only have material effect on maritime resources, including the sea bed, and do not have any legal consequences for aviation (UNCLOS Articles 57 and 58).
- The CC and Annex 2 is not considered to use the same definition of 'High Seas' as the 1994 iteration of UNCLOS, deferring to the earlier version (1962)\*. Article 2 of the CC is clear that 'National Airspace' only composes the land and territorial waters; therefore, the non-sovereign portion of airspace is beyond this, as far as aviation is concerned (i.e.: beyond 12NM). In addition, not all States have ratified the latest version of the UNCLOS.

*Article 2: For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters thereto under the sovereignty, suzerainty, protection or mandate of such State.*

- While the CC and its Annexes, including Annex 2, are not applicable to State aircraft (military, police or customs) in general, the Convention does place requirements upon States regarding the interaction between military and civil aircraft. For example, State aircraft may not overfly the territory of another State without permission, and regulations must be enacted to require State aircraft to have 'due regard' for the safety of navigation of civil aircraft (Article 3 of the Convention).
- In addition, Article 3 *bis* of the CC requires States to ensure that military aircraft do not endanger civil aircraft, but these are only for two specific situations – use of weapons and interception.

- There are no requirements for State aircraft to comply with civil requirements in international airspace (thus a State aircraft operating on a flight plan in such airspace is complying with civil requirements voluntarily, including an ATC clearance to enter controlled airspace, and may not legally be denied an ATC clearance to transit).
- **Figure 2** indicates the States that had ratified Article 3 bis of the *Convention on International Civil Aviation*. This Article urges States to refrain from the use of weapons against civil aircraft and to ensure that the lives of people on an intercepted aircraft are not endangered.



**Figure 2:** Article 3 bis Status

### Ballistic Launch and Space Re-Entry

2.3 During the period between 2015 and 2019, IATA and affected States had brought to the attention of the ATM/SG problems being by ballistic launch and space re-entry activities that had affected civil air traffic, and concerns about the danger of debris from ballistic activities affecting the safety of aircraft, aerodromes and people on the ground. Some of these activities were likely to be conducted by military or State agencies, and some by civil organisations in coordination with the State (including commercial operations).

2.4 With respect to endangerment of persons and property on the ground, the provisions of the Outer Space Treaty of 1967 are relevant. Specifically, space activity must be considered in the context of Article VII, which states that:

*...each State Party from whose territory or facility an object is launched, is **internationally liable for damage** to another State Party to the Treaty or to its natural or juridical persons by such object **or its component parts on the Earth, in air space** or in outer space, including the moon and other celestial bodies.*

2.5 Furthermore, Article VIII establishes that:

*A State Party to the Treaty on whose registry an object launched into outer space is carried shall retain jurisdiction and control over such object...*

2.6 The *Asia/Pacific Seamless ANS Plan* has specific guidance regarding the minimisation of disruption to civil traffic, so that a launch window is refined to a much lesser timing closer to the actual operation. Moreover, the *Plan* expected States to consider minimising the size and the position of the affected airspace to reduce the effect on civil operations (paragraph 7.45 c) refers).

2.7 States should also note that coordination of activities hazardous to civil aircraft being effected early enough to permit timely promulgation of information, as provided for by paragraphs 2.18 and 2.19 of Annex 11 — *Air Traffic Services*, is of paramount importance to achieve the best arrangements to avoid hazards.

2.8 The procedures for ballistic launch and space re-entry management are available at: <https://www.icao.int/APAC/Documents/edocs/Ballistic%20Launch%20and%20Space%20Re-entry%20Management.pdf>

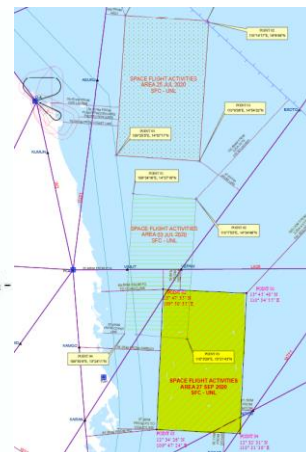
2.9 Unlike past years, during 2020 the ICAO Regional Office had not received reports of significant disruptions or rocket debris from launches originating from China's Jiuquan and Taiyuan sites landing near populated areas in Myanmar, Thailand, Lao People's Democratic Republic (PDR) or Cambodia. Some Long March rockets (长征五号) were now also being launched from the new Wenchang Spacecraft Launch Site facility on the East Coast of Hainan Island, South China Sea.

2.10 ICAO had recently received concerns from Viet Nam about ballistic launch and re-entry activities emanating from Hainan Island that had been notified by China affecting Viet Nam's international and national (territorial) airspace for various dates (03 July, 25 July, 07 September and 27 September 2020). If the information provided is correct, it appeared that these notifications and the process of expected consultation did not comply with regional policy set out by APANPIRG and the *Asia/Pacific Seamless ATM Plan*. ICAO HQ was involved in discussing this matter with China.

2.11 An example of a problematic notification from China is shown at **Figure 3** and **Figure 4**. The notification to 'the relevant units' (meaning Viet Nam) was provided only three days before the activity (the expected minimum 14 days' pre-tactical notice was not provided), did not take into account the flight operations of the airspace concerned, and of great concern, intimated that a restricted area should be established over international airspace, when restricted areas are not legally permissible outside a State's sovereign airspace. This notification and in particular the NOTAM text that suggested flight activity was 'forbidden' over the high seas is inconsistent with the CC (Annex 2 and 15) and UNCLOS, to which China is a party.

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ATTENTION ON DUTY.
AIR TRAFFIC MANAGEMENT BUREAU OF CAAC REMINDS THE RELEVANT UNITS
OF ATTENTION.
DUE TO SPACEFLIGHT ACTIVITIES, THE FLIGHT SAFETY OF THE AIRCRAFT
IN THE FOLLOWING AREAS MAY BE AFFECTED ON SEP 27, 2020.
WE RECOMMEND THAT THE CIVIL AVIATION AUTHORITIES AND OPERATORS
CONCERNED TAKE THE NECESSARY MEASURES TO ENSURE THE SAFETY OF
FLIGHT. DETAILS ARE AS FOLLOWS:
ON SEP 27, 2020, FROM 0307-0336 UTC, A TEMPORARY RESTRICTED AREA
ESTABLISHED BOUNDED BY N134540E1103455-N134735E1095035-N123426E1094724-
N123231E1103130 BACK TO START.
FLY ACTIVITY ARE FORBIDDEN WI RESTRICTED AREA.
VERTICAL LIMITS:SFC-UNL.
ANY CHANGES TO THE SCHEDULE WILL BE FORWARDED TO YOU IMMEDIATELY.
THANK YOU FOR COOPERATION.

NOF/AIS CHINA
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**Figures 3 and 4:** Space Flight Activity Notified by China

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Bangladesh Air Defence Identification Zone (ADIZ)

2.12 In 2018, the ad hoc establishment by Bangladesh of an Air Defence Identification Zone (ADIZ) had been discussed by the ATM/SG/6. To date, the Regional Office was not aware of any change in the ADIZ status or progress to minimize the impact of the ADIZ, which had no basis in international law.

2.13 ADIZ are referenced in Annex 4 – *Aeronautical Charts* and Annex 15 – *Aeronautical Information Services* solely to ensure that, where established, any necessary information is included in the State AIP and aeronautical charts. While ICAO Annex 2 – *Rules of the Air* provides standards and recommended practices (SARPS) relating to the interception of aircraft, there are no ICAO SARPS or procedures for the establishment and operation of ADIZ.

2.14 Regarding Air Defence Codes (ADCs), ICAO had noted at the ATM/SG and APANPIRG these should not be necessary when data is readily available to military authorities from flight plans. APAC States that currently require an ADC are therefore urged to discuss the establishment of appropriate data sharing with their military authorities in accordance with the expectations of the *Asia/Pacific Seamless ANS Plan*, so that the need for an ADC can be superseded by more efficient arrangements.

2.15 Bangladesh and India were understood to require an ADC for each flight, irrespective of the flight plan status. Bangladesh and India are therefore urged to consider alternative, less disruptive measures used by other Asia/Pacific States, especially to support the post-pandemic recovery.

ATM Delays Emanating from Chinese Airspace

2.16 As long ago as the Third Air Traffic Management Subgroup (ATM/SG/3, Bangkok, 03 – 07 August 2015) major delays emanating from Chinese airspace had been discussed. While recognising that not all delays were caused by civil-military cooperation issues, the continuing reports of problems related to Chinese airspace led to China’s commitment in 2017 to implement some ATFM measures to better manage traffic.

2.17 APANPIRG/27, APANPIRG/28, APANPIRG/29 and APANPIRG/30 had noted the Subgroup reports on delays affecting many Asia/Pacific Flight Information Regions, and had urged China to address these.

2.18 In 2018, the International Federation of Air Line Pilots’ Associations (IFALPA) had issued several Deficiencies related to delays and capacity issues within Chinese airspace. These were significant because they identified that delays occurred even on a ‘normal’ day with no airspace or weather issues. However, IFALPA had recently reported some improvement in its 2020 reports, which would appear to indicate some improvements by China.

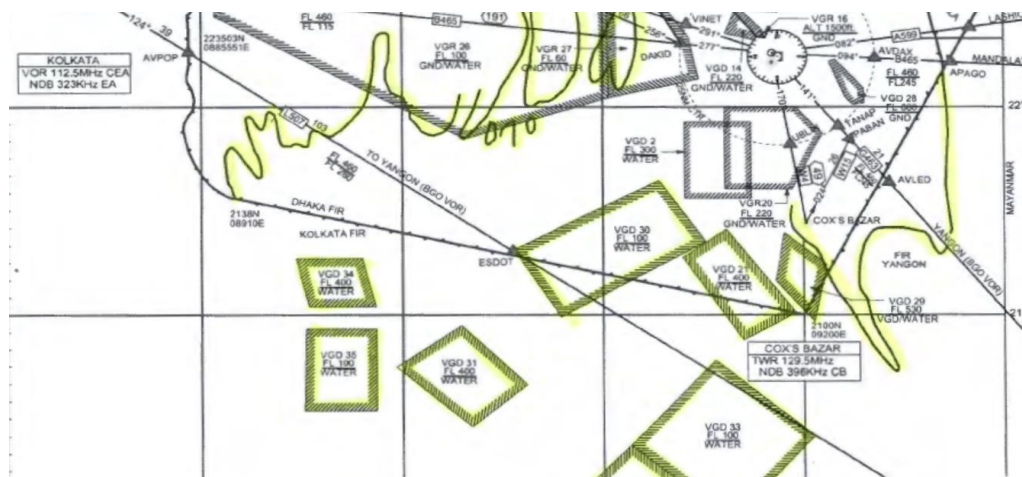
2.19 ICAO extended its appreciation to the Air Traffic Management Bureau (ATMB) of the China Civil Aviation Administration (CAAC) for these efforts, and urged China to continue these positive developments, including closer cooperation between the military and State authorities, and the ATMB.

Special Use Airspace

2.1 In 2018, an example of a poor notification processes for activation of military Special Use Airspace (SUA) used by Myanmar was discussed at the ATM/SG/7. The NOTAM promulgated by Yangon did not meet the standard expected of Annex 15 in terms of timeliness. This example was discussed with the Myanmar military authorities from 17 – 18 December 2019 at a Myanmar Civil-Military Cooperation Seminar/Workshop.

2.2 An example of danger areas being improperly designated by Bangladesh within or partly within India's airspace of responsibility was also highlighted at the ATM/SG/7 (**Figure 5**). States are only permitted to designate airspace within international airspace that was delegated to that State for the purposes of provision of ATS. The provisions of Annex 2 – *Rules of the Air* applied:

2.1.2 *Each Contracting State shall ensure that the provision of aeronautical data and aeronautical information covers its own territory and those areas over the high seas for which it is responsible for the provision of air traffic services (ATS).*



**Figure 5:** Bangladesh AIP Depiction of Danger Areas

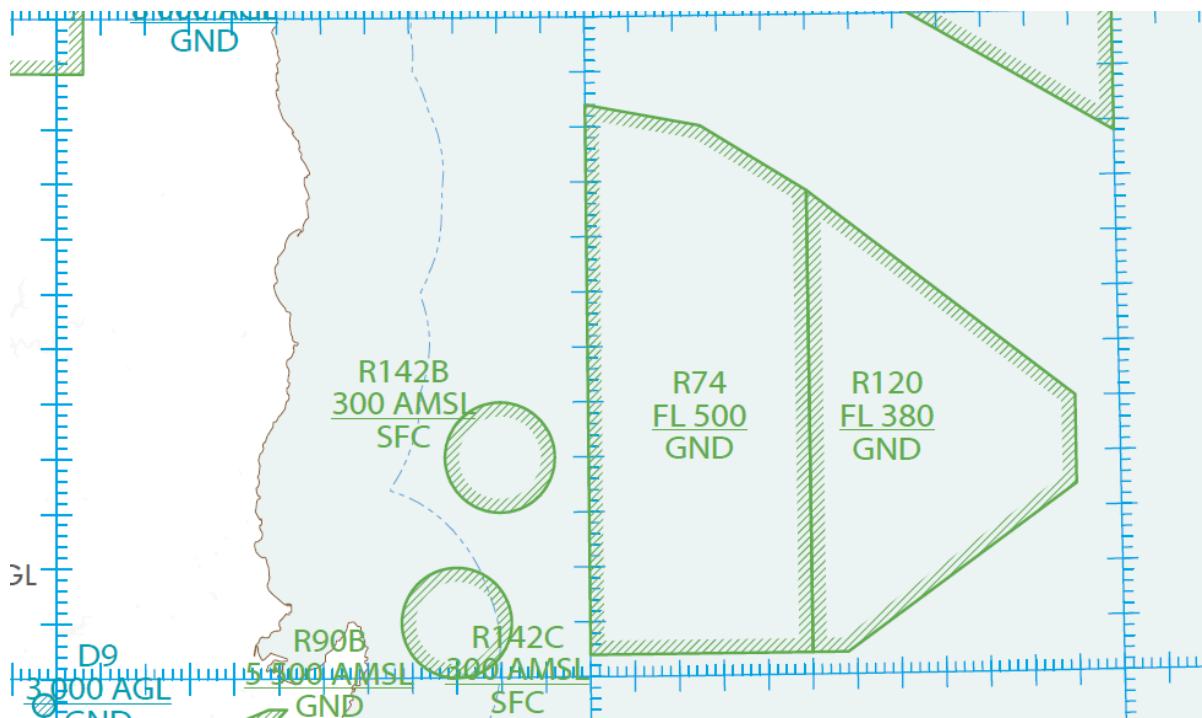
2.3 APANPIRG/30 had agreed to a Deficiency for the establishment of the Bangladesh danger areas in question. Even though Bangladesh had taken the positive step of enacting a coordination agreement for these danger areas with India, the designation was still non-compliant with SARPs.

2.4 Moreover, restricted areas were being designated in international airspace, despite restricted areas and prohibited areas being defined by Annex 2 as only being able to be designated 'above the land areas or territorial waters of a State'. This had resulted in APANPIRG/30 issuing a formal Deficiency to Australia, India and Indonesia, as the UNCLOS provisions did not allow States to impose restrictive measures on aircraft within international airspace, other than the State's own aircraft.

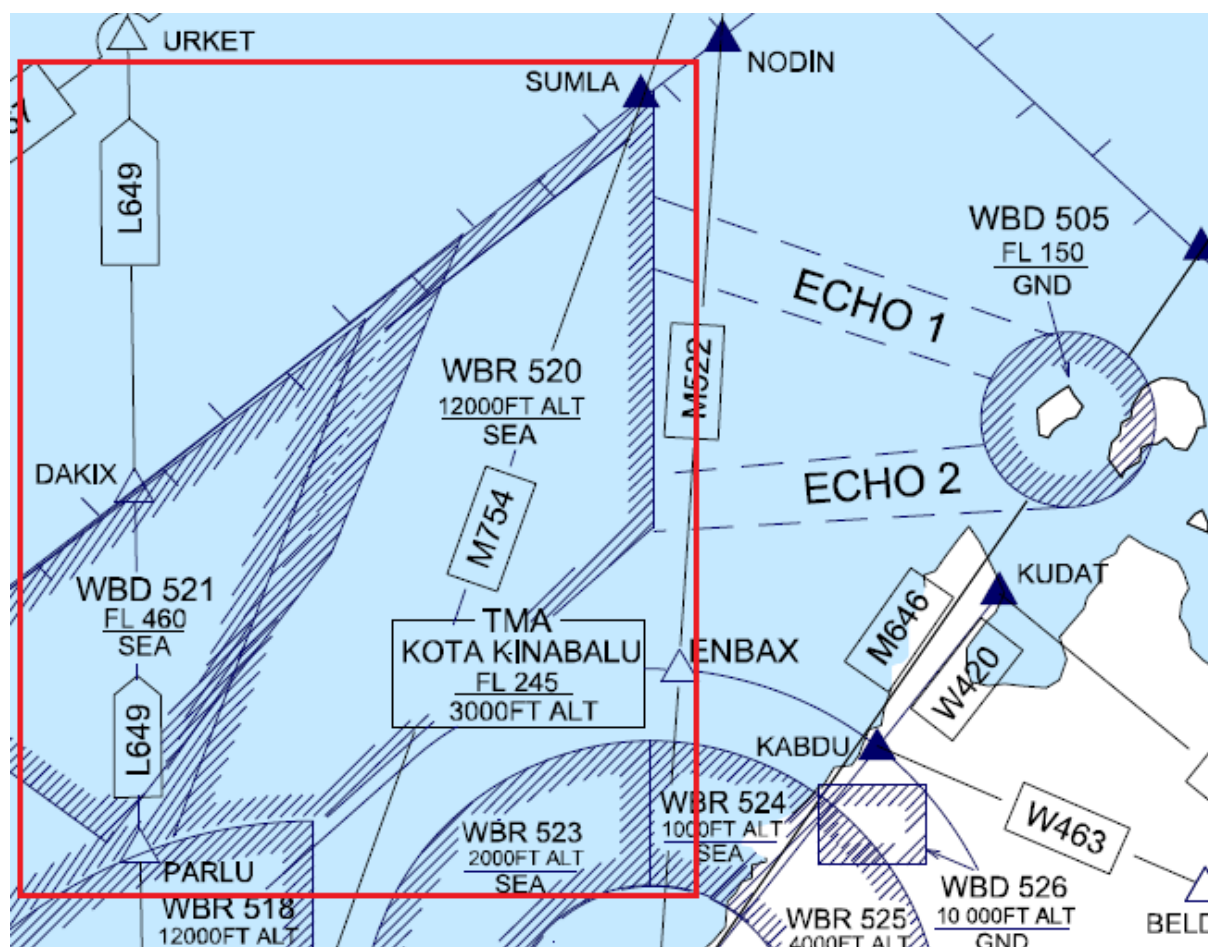
2.5 The only means of imposing restrictions on international airspace is for a Regional Air Navigation Agreement to be enacted by a Proposal for Amendment (PfA) to the Regional Air Navigation Plan, or to ICAO Doc. 7030 – *Regional Supplementary Procedures*. In the case of SUA, the only ICAO-recognized entity that can be designated in international airspace is a danger area.

2.6 There were a number of other States which had apparently designated restricted areas within international airspace. **Figures 6, 7, 8 and 9** are examples from China, Japan, Republic of Korea and Malaysia that could be subject for consideration of an APANPIRG Conclusion, unless the airspace was re-designated as a danger area or disestablished before APANPIRG/32.



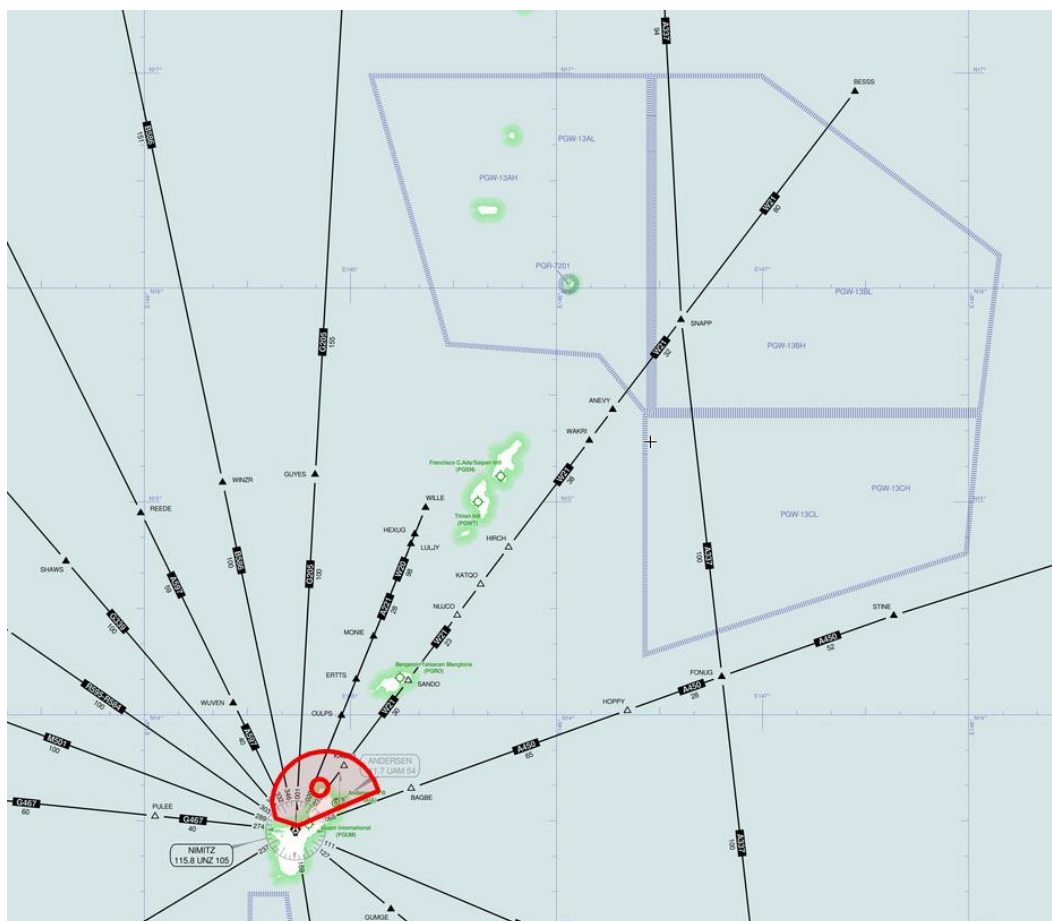


**Figure 8:** Republic of Korea Restricted Area Examples within International Airspace



**Figure 9:** Malaysia Restricted Area Example within International Airspace

2.7 ‘Warning Areas’ had been established by the United States in various parts of the Oakland Oceanic FIR, both within national and international airspace (example near Guam: **Figure 10**). New Zealand also used the term ‘military operating areas’ (MOA) to define airspace where intensive military operations may be present in national and international airspace. These airspace types, although not formally recognized by ICAO, within international airspace are similar to a danger area as defined in Annex 2, thus pilots may proceed if they are cognizant of the activities that may be dangerous to the aircraft.



**Figure 10:** Guam Warning Areas

Conflict Zone Information Repository (CZIR)

2.8 According to ICAO Electronic Bulletin EB 2018/3 dated 24 January 2018, the ICAO CZIR web library of risk information related to civil aviation operations over or near conflict zones had now been disestablished. This is due to developments in the aviation sector whereby risk information is now being provided by States, other international organizations, and industry flight planning services in real-time. In addition, the ICAO Aviation Security Point of Contact network has demonstrated its value by enabling States to share, in a timely and efficient manner, risk information in relation to civil aviation operations over or near conflict zones.

2.9 Meeting participants should note the information provided on this subject in ICAO Doc 10084 – *Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones*.

2.10 State Letter AN 13/13.1-20/39 dated 03 April 2020 related to Amendment 52 to Annex 11 regarding conflict zones (**Attachment A**). State Letter SMM1/4-20/110 issued by ICAO HQ (dated 23 October 2020) provided advice on risk management in conflict zones (**Attachment B**).

### State Aircraft filing RVSM

2.11 Recent ICAO European Aviation Systems Planning Group (EASPG) meetings had been investigating various measures that State Authorities could take to address and reduce the number of aircraft, without a confirmed Reduced Vertical Separation Minimum (RVSM) approval, operating in RVSM airspace. These aircraft were referenced in the European Regional Monitoring Agency (EUR RMA) Bulletin - particularly those aircraft that had been identified for extended periods of time.

2.12 As State authorities were required to take appropriate action to ensure the safety of operations in RVSM airspace (FL290 – FL410 inclusive), the German State authority had requested the EUROCONTROL Network Manager to introduce measures to reject aircraft identified in the EUR RMA Bulletin from operating in German RVSM airspace.

2.13 Even though the precise scope, procedures and means to promulgate details to affected operators were currently being elaborated, it was agreed that any policy adopted to improve the situation would apply to both state and civil designated aircraft listed on the bulletin. The process was expected to be implemented over German RVSM airspace by the end of 2020. Then a proposal to extend the scheme throughout the area covered by the EUROCONTROL Integrated Initial Flight Plan Processing System (IFPS) would be submitted to the European Aviation Safety Planning Group (EASPG).

2.14 The RASMAG/25 meeting had suggested that the question be raised to the ATM/SG/8 on how to detect and handle State aircraft operators that incorrectly filed ‘W’ in their flight plans (RASMAG/25/WP04).

### Upgrade of ICAO Circular 330

2.15 A project to upgrade Circular 330 with ICAO Doc. 10088 – *Civil/Military Cooperation in Air Traffic Management* had been undertaken by ICAO HQ during 2016 and 2017 in cooperation with a group of civil and military experts, including input from the Asia/Pacific Region. Material from the *Asia/Pacific Seamless ATM Plan* and its subsidiary plan the *Asia/Pacific SAR Plan* had been included in the new ICAO Doc. 10088. In this regard, special attention was paid to the strategic and tactical coordination mechanisms, and review of SUA elements.

2.16 However, the publication of Doc. 10088 had been delayed for some years by ICAO HQ. According to information received from Montreal, the document’s format and content was now in final draft status. As there was only a final legal review and approval by senior ICAO managers to be undertaken, the aim was to release ICAO Doc. 10088 before the end of 2020.

### Civil-Military Cooperation Seminars/Workshops

2.17 In a joint effort between the ICAO Regional Sub-Office (RSO) and the Regional Office, Civil-Military Cooperation Conferences and Workshops had been conducted in Bangladesh (22 – 23 October 2019), Indonesia (30 – 31 October 2019), Myanmar (17 – 18 December 2019) and the UAE (09 – 13 December 2019).

2.18 When appropriate post pandemic, the Regional Office hoped to conduct such events at China and the Democratic People’s Republic of Korea in the future. The RSO was also expected to recruit a new officer to assist with civil-military cooperation in the near future.

**3. ACTION BY THE MEETING**

3.1 The meeting is invited to:

- a) note the information contained in this paper;
- b) note that enhanced civil/military cooperation was essential to support the recovery of aviation during the pandemic and post COVID-19;
- c) note the concerns related to ballistic launch and re-entry activities conducted from Hainan Island;
- d) note the possibility of APANPIRG Deficiencies in 2021 related to military restricted areas over the high seas for China, Japan, Republic of Korea, Malaysia and Thailand;
- e) discuss the minimization of onerous military requirements such as ADIZ and the establishment of data sharing arrangements with military authorities to eliminate the need for ADCs;
- f) appreciate China's efforts to improve civil-military cooperation to reduce air traffic delays and minimize the instances of ballistic launch/space reentry activity adversely affecting other States or endangering people's lives;
- g) note that ICAO Doc. 10088 was expected by the end of 2020;
- h) support planning for civil-military cooperation workshops/seminars once the pandemic situation allows this;
- i) provide an update on civil-military cooperation activities and problems; and
- j) discuss any other relevant matters as appropriate.

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Ref.: AN 13/13.1-20/39

3 April 2020

**Subject:** Adoption of Amendment 52 to Annex 11

**Action required:** a) Notify any disapproval before 20 July 2020; b) Notify any differences and compliance before 5 October 2020; c) Consider the use of the Electronic Filing of Differences (EFOD) System for notification of differences and compliance

Sir/Madam,

1. I have the honour to inform you that Amendment 52 to the *International Standards and Recommended Practices, Air Traffic Services* (Annex 11 to the Convention on International Civil Aviation) was adopted by the Council at the fourth meeting of its 219th Session on 9 March 2020. Copies of the Amendment and the Resolution of Adoption are available as attachments to the electronic version of this State letter on the ICAO-NET (<http://portal.icao.int>) where you can access all other relevant documentation.

2. When adopting the amendment, the Council prescribed 20 July 2020 as the date on which it will become effective, except for any part concerning which a majority of Contracting States have registered their disapproval before that date. In addition, the Council resolved that Amendment 52, to the extent it becomes effective, will become applicable on 5 November 2020.

3. Amendment 52 arises from the Dutch Safety Board (DSB) safety recommendations from its investigation of the MH17 accident and recommendations of the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ), as well as consequential amendments related to a new provision regarding operational vehicles. The amendment concerns:

- a) the conduct of safety risk assessments for activities potentially hazardous to civil aircraft; and
- b) the read-back by drivers of operational vehicles.

4. The subjects are given in the amendment to the Foreword of Annex 11, a copy of which is in Attachment A.

5. In conformity with the Resolution of Adoption, may I request:

- a) that before 20 July 2020 you inform me if there is any part of the adopted Standards and Recommended Practices (SARPs) amendments in Amendment 52 concerning which your Government wishes to register disapproval, using the form in Attachment B for this purpose. Please note that only statements of disapproval need be registered and if you do not reply it will be assumed that you do not disapprove of the amendment;
- b) that before 5 October 2020 you inform me of the following, using the Electronic Filing of Differences (EFOD) System or the form in Attachment C for this purpose:
  - 1) any differences that will exist on 5 November 2020 between the national regulations or practices of your Government and the provisions of the whole of Annex 11, as amended by all amendments up to and including Amendment 52, and thereafter of any further differences that may arise; and
  - 2) the date or dates by which your Government will have complied with the provisions of the whole of Annex 11, as amended by all amendments up to and including Amendment 52.

6. With reference to the request in paragraph 5 a) above, it should be noted that a registration of disapproval of Amendment 52 or any part of it in accordance with Article 90 of the Convention does not constitute a notification of differences under Article 38 of the Convention. To comply with the latter provision, a separate statement is necessary if any differences do exist, as requested in paragraph 5 b) 1). It is recalled in this respect that international Standards in Annexes have a conditional binding force, to the extent that the State or States concerned have not notified any difference thereto under Article 38 of the Convention.

7. With reference to the request in paragraph 5 b) above, it should be also noted that the ICAO Assembly, at its 39th Session (27 September to 6 October 2016), resolved that Member States should be encouraged to use the EFOD System when notifying differences (Resolution A39-22, refers). The EFOD System is currently available on the Universal Safety Oversight Audit Programme (USOAP) restricted website (<http://www.icao.int/usoap>) which is accessible by all Member States. You are invited to consider using this for notification of compliance and differences.

8. Guidance on the determination and reporting of differences is given in the Note on the Notification of Differences in Attachment D. Please note that a detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.

9. I would appreciate it if you would also send a copy of your notifications, referred to in paragraph 5 b) above, to the ICAO Regional Office accredited to your Government.

10. At the fifth meeting of its 204th Session, the Council requested that States, when being advised of the adoption of an Annex amendment, be provided with information on implementation and

available guidance material, as well as an impact assessment. This is presented for your information in Attachments E and F, respectively.

11. As soon as practicable after the amendment becomes effective on 20 July 2020, replacement pages incorporating Amendment 52 will be forwarded to you.

Accept, Sir/Madam, the assurances of my highest consideration.

Fang Liu  
Secretary General

**Enclosures:**

- A — Amendment to the Foreword of Annex 11
- B — Form on notification of disapproval of all or part of Amendment 52 to Annex 11
- C — Form on notification of compliance with or differences from Annex 11
- D — Note on the Notification of Differences
- E — Implementation task list and outline of guidance material in relation to Amendment 52 to Annex 11
- F — Impact assessment in relation to Amendment 52 to Annex 11

**ATTACHMENT A** to State letter AN 13/13.1-20/39

**AMENDMENT TO THE FOREWORD OF ANNEX 11**

Add the following at the end of Table A:

<i>Amendment</i>	<i>Source(s)</i>	<i>Subject</i>	<i>Adopted/Approved Effective Applicable</i>
52	Various sources, including the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ) (C-DEC 203/1) and the Secretariat, and the PANS-Aerodromes Study Group (PASG)	Amendment concerning: a) conduct of safety risk assessments for activities potentially hazardous to civil aircraft. b) read-back by drivers of operational vehicles.	9 March 2020 20 July 2020 5 November 2020

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ATTACHMENT B to State letter AN 13/13.1-20/39

NOTIFICATION OF DISAPPROVAL OF ALL OR PART OF  
AMENDMENT 52 TO ANNEX 11

To: The Secretary General  
International Civil Aviation Organization  
999 Robert-Bourassa Boulevard  
Montréal, Québec  
Canada H3C 5H7

(State) \_\_\_\_\_ hereby wishes to disapprove the following parts of  
Amendment 52 to Annex 11:

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If you wish to disapprove all or part of Amendment 52 to Annex 11, please dispatch this notification of disapproval to reach ICAO Headquarters by 20 July 2020. If it has not been received by that date it will be assumed that you do not disapprove of the amendment. **If you approve of all parts of Amendment 52, it is not necessary to return this notification of disapproval.**
- 2) This notification should not be considered a notification of compliance with or differences from Annex 11. Separate notifications on this are necessary. (See Attachment C.)
- 3) Please use extra sheets as required.

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ATTACHMENT C to State letter AN 13/13.1-20/39

**NOTIFICATION OF COMPLIANCE WITH OR DIFFERENCES FROM ANNEX 11  
(Including all amendments up to and including Amendment 52)**

To: The Secretary General  
International Civil Aviation Organization  
999 Robert-Bourassa Boulevard  
Montréal, Québec  
Canada H3C 5H7

1. No differences will exist on \_\_\_\_\_ between the national regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 11, including all amendments up to and including Amendment 52.

2. The following differences will exist on \_\_\_\_\_ between the regulations and/or practices of **(State)** \_\_\_\_\_ and the provisions of Annex 11, including Amendment 52 (Please see Note 2) below.)

<b>a) Annex Provision</b> (Please give exact paragraph reference)	<b>b) Details of Difference</b> (Please describe the difference clearly and concisely)	<b>c) Remarks</b> (Please indicate reasons for the difference)
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(Please use extra sheets as required.)

3. By the dates indicated below, **(State)** \_\_\_\_\_ will have complied with the provisions of Annex 11, including all amendments up to and including Amendment 52 for which differences have been notified in 2 above.

a) <b>Annex Provision</b> (Please give exact paragraph reference)	b) <b>Date</b>	c) <b>Comments</b>
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(Please use extra sheets as required.)

Signature \_\_\_\_\_

Date \_\_\_\_\_

*NOTES*

- 1) If paragraph 1 above is applicable to your State, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
- 3) Guidance on the notification of differences is provided in the Note on the Notification of Differences and in the *Manual on Notification and Publication of Differences* (Doc 10055).
- 4) Please send a copy of this notification to the ICAO Regional Office accredited to your Government.

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**ATTACHMENT D** to State letter AN 13/13.1-20/39

**NOTE ON THE NOTIFICATION OF DIFFERENCES**  
(Prepared and issued in accordance with instructions of the Council)

1. *Introduction*

1.1 Article 38 of the *Convention on International Civil Aviation* (“Convention”) requires that a Contracting State notify ICAO any time it does not comply with a Standard in all respects, it does not bring its regulations or practices into full accord with any Standard, or it adopts regulations or practices differing in any particular respect from the Standard.

1.2 The Assembly and the Council, when reviewing the notification of differences by Contracting States in compliance with Article 38 of the Convention, have repeatedly noted that the timeliness and currency of such notifications is not entirely satisfactory. Therefore, this note is issued to reiterate the primary purpose of Article 38 of the Convention and to facilitate the determination and notification of differences.

1.3 The primary purpose of the notification of differences is to promote safety, regularity and efficiency in air navigation by ensuring that governmental and other agencies, including operators and service providers, concerned with international civil aviation are made aware of all national regulations and practices in so far as they differ from those prescribed in the Standards contained in Annexes to the Convention.

1.4 Contracting States are, therefore, requested to give particular attention to the notification of differences with respect to Standards in all Annexes, as described in paragraph 4 b) 1) of the Resolution of Adoption.

1.5 Although differences from Recommended Practices are not notifiable under Article 38 of the Convention, the Assembly has urged Contracting States to extend the above considerations to Recommended Practices contained in Annexes to the Convention, as well.

2. *Notification of differences from Standards and Recommended Practices (SARPs)*

2.1 Guidance to Contracting States in the notification of differences to Standards and Recommended Practices (SARPs) can only be given in very general terms. Contracting States are further reminded that compliance with SARPs generally extends beyond the issuance of national regulations and requires establishment of practical arrangements for implementation, such as the provision of facilities, personnel and equipment and effective enforcement mechanisms. Contracting States should take those elements into account when determining their compliance and differences. The following categories of differences are provided as a guide in determining whether a notifiable difference exists:

- a) *A Contracting State’s requirement is more exacting or exceeds a SARP (Category A)*. This category applies when the national regulation and practices are more demanding than the corresponding SARP, or impose an obligation within the scope of the Annex which is not covered by the SARP. This is of particular importance where a Contracting State requires a higher standard which affects the operation of aircraft of other Contracting States in and above its territory;

- b) *A Contracting State's requirement is different in character or the Contracting State has established other means of compliance (Category B)\*.* This category applies, in particular, when the national regulation and practices are different in character from the corresponding SARP, or when the national regulation and practices differ in principle, type or system from the corresponding SARP, without necessarily imposing an additional obligation; and
- c) *A Contracting State's requirement is less protective, partially implemented or not implemented (Category C).* This category applies when the national regulation and practices are less protective than the corresponding SARP; when no national regulation has been promulgated to address the corresponding SARP, in whole or in part; or when the Contracting State has not brought its practices into full accord with the corresponding SARP.

These categories do not apply to Not Applicable SARP. Please see the paragraph below.

2.2 **Not Applicable SARP.** When a Contracting State deems a SARP concerning aircraft, operations, equipment, personnel, or air navigation facilities or services to be not applicable to the existing aviation activities of the State, notification of a difference is not required. For example, a Contracting State that is not a State of Design or Manufacture and that does not have any national regulations on the subject, would not be required to notify differences from Annex 8 provisions related to the design and construction of an aircraft.

2.3 **Differences from appendices, tables and figures.** The material comprising a SARP includes not only the SARP itself, but also the appendices, tables and figures associated with the SARP. Therefore, differences from appendices, tables and figures are notifiable under Article 38. In order to file a difference against an appendix, table or figure, States should file a difference against the SARP that makes reference to the appendix, table or figure.

2.4 **Differences from definitions.** Contracting States should notify differences from definitions. The definition of a term used in a SARP does not have independent status but is an essential part of each SARP in which the term is used. Therefore, a difference from the definition of the term may result in there being a difference from any SARP in which the term is used. To this end, Contracting States should take into consideration differences from definitions when determining compliance or differences to SARPs in which the terms are used.

2.5 The notification of differences should be not only to the latest amendment but to the whole Annex, including the amendment. In other words, Contracting States that have already notified differences are requested to provide regular updates of the differences previously notified until the difference no longer exists.

2.6 Further guidance on the identification and notification of differences, examples of well-defined differences and examples of model processes and procedures for management of the notification of differences can be found in the *Manual on Notification and Publication of Differences* (Doc 10055).

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\* The expression "different in character or other means of compliance" in b) would be applied to a national regulation and practice which achieve, by other means, the same objective as that of the corresponding SARPs or for other substantive reasons so cannot be classified under a) or c).

3. *Form of notification of differences*

3.1 Differences can be notified:

- a) by sending to ICAO Headquarters a form on notification of compliance or differences;  
or
- b) through the Electronic Filing of Differences (EFOD) System at [www.icao.int/usoap](http://www.icao.int/usoap).

3.2 When notifying differences, the following information should be provided:

- a) the number of the paragraph or subparagraph which contains the SARP to which the difference relates\*;
- b) the reasons why the State does not comply with the SARP, or considers it necessary to adopt different regulations or practices;
- c) a clear and concise description of the difference; and
- d) intentions for future compliance and any date by which your Government plans to confirm compliance with and remove its difference from the SARP for which the difference has been notified.

3.3 The differences notified will be made available to other Contracting States, normally in the terms used by the Contracting State when making the notification. In the interest of making the information as useful as possible, Contracting States are requested to ensure that:

- a) statements be as clear and concise as possible and be confined to essential points;
- b) the provision of extracts from national regulations not be considered as sufficient to satisfy the obligation to notify differences; and
- c) general comments, unclear acronyms and references be avoided.

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\* This applies only when the notification is made under 3.1 a).



**IMPLEMENTATION TASK LIST AND OUTLINE OF GUIDANCE MATERIAL  
IN RELATION TO AMENDMENT 52 TO ANNEX 11**

**1. IMPLEMENTATION TASK LIST**

- 1.1 Essential steps to be followed by a State in order to implement the amendment to Annex 11:
- a) identification of the rule-making process necessary to transpose the new and modified ICAO provisions into the national regulations taking into consideration the applicability date;
  - b) establishment of a national implementation plan that takes into account the new ICAO provisions;
  - c) drafting of the modification(s) to the national regulations and means of compliance;
  - d) official adoption of the national regulations and means of compliance;
  - e) notification of State differences with ICAO, if necessary;
  - f) publication of significant differences in AIP, if necessary; and
  - g) training of operational staff in the use of new provisions.

**2. STANDARDIZATION PROCESS**

- 2.1 Effective date: 20 July 2020
- 2.2 Applicability date: 5 November 2020
- 2.3 Embedded applicability date(s): N/A

### 3. SUPPORTING DOCUMENTATION

#### 3.1 ICAO documentation regarding the amendment concerning contingency planning in relation to conflict zones

<b>Title</b>	<b>Type (PANS/TI/Manual/Circ)</b>	<b>Planned publication date</b>
<i>Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations</i> (Doc 9554)	Manual	Update available by 3Q 2020
<i>Safety Management Manual (SMM)</i> (Doc 9859)	Manual	Already published
<i>Manual on Collaborative Air Traffic Flow Management</i> (Doc 9971)	Manual	Already published
<i>Civil Aircraft Operations Over Conflict Zones (Restricted)</i> (Doc 10084).	Manual	Already published

#### 3.2 ICAO documentation regarding the consequential amendment related to a new provision on read-back by drivers of operational vehicles

<b>Title</b>	<b>Type (PANS/TI/Manual/Circ)</b>	<b>Planned publication date</b>
<i>Airport Services Manual</i> (Doc 9137)	Manual	Already published
<i>Safety Management Manual (SMM)</i> (Doc 9859)	Manual	Already published
<i>Procedures for Air Navigation Services — Training</i> (Doc 9868)	Manual	Already published

#### 3.3 External documentation

<b>Title</b>	<b>External Organization</b>	<b>Publication date</b>
None		

### 4. IMPLEMENTATION ASSISTANCE TASKS

<b>Type</b>	<b>Global</b>	<b>Regional</b>
Awareness		PIRGs, RASGs

### 5. UNIVERSAL SAFETY OVERSIGHT AUDIT PROGRAMME (USOAP)

5.1 Regarding the amendment concerning contingency planning in relation to conflict zones, no changes are envisaged in the protocol questions due to the change of references. For the consequential amendment related to a new provision on read-back by drivers of operational vehicles, existing protocol questions (PQs) have been identified and may need amendment and/or new PQs may be required.

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**IMPACT ASSESSMENT IN RELATION TO  
AMENDMENT 52 TO ANNEX 11**

**1. INTRODUCTION**

1.1 Amendment 52 to Annex 11 addresses contingency planning in relation to conflict zones and consequential amendments related to a new provision on read-back by drivers of operational vehicles.

**2. IMPACT ASSESSMENT REGARDING THE  
AMENDMENT CONCERNING CONTINGENCY  
PLANNING IN RELATION TO CONFLICT ZONES**

2.1 *Safety impact:* Positive. The improved safety assessment will contribute to a better management of safety risks.

2.2 *Financial impact:* Negligible.

2.3 *Security impact:* Negligible.

2.4 *Environmental impact:* Negligible.

2.5 *Efficiency impact:* Negligible

2.6 *Expected implementation time:* Zero to one year. The proposal does not require any change that would warrant a longer timeframe. The amendment can be implemented immediately.

**3. IMPACT ASSESSMENT REGARDING THE  
CONSEQUENTIAL AMENDMENT RELATED TO A  
NEW PROVISION ON READ-BACK BY DRIVERS OF  
OPERATIONAL VEHICLES**

3.1 *Safety impact:* Positive. The contents of this amendment are safety-related and it is envisaged that their global implementation will enhance the safety of operations at aerodromes' movement areas.

3.2 *Financial impact:* Negligible financial impact for States, however, an increase in overall cost for industry. Specifically for aerodrome operators, the financial cost will be mainly derived from training of aerodrome-operations personnel exposed to these provisions. However, it is envisaged that the potential long-term benefits for aerodrome operators arising from the implementation of these provisions will eventually lead to a decrease in overall cost, due to the enhanced safety, efficiency and regularity of airside operations.

3.3 *Security impact:* Negligible.

3.4 *Environmental impact:* Positive. The global implementation of the provisions contained in this amendment has the potential to reduce fuel consumption and emissions, due to better optimization and management of airside processes and activities.

3.5 *Efficiency impact:* Positive. It is envisaged that the global implementation of the provisions contained in this amendment will enhance the efficiency of airside processes and activities, and will contribute to better planning and management of factors which may otherwise impact or limit operation of aircraft on the movement areas of aerodromes.

3.6 *Expected implementation time:*

3.6.1 States should require no more than one year to modify their regulatory framework. The expected implementation time refers to the relevant processes which mainly include the required legislative amendments and the updating of the national aerodromes oversight programmes. The actual length of the process is expected to be influenced by the features of the legislative system in each State.

3.6.2 For industry, one to two years is the expected implementation time for aerodrome operators, which mainly refers to the establishment of training programmes and operational procedures, and training of aerodromes operational personnel whose work is related to the new provisions. The length of the implementation process and its extent will vary from aerodrome to aerodrome, based on its local circumstances, characteristics and type of operations, among others.

— END —

**AMENDMENT 52**

**TO THE**

**INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**AIR TRAFFIC SERVICES**

**ANNEX 11**

**TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

The amendment to Annex 11 contained in this document was adopted by the Council of ICAO on **9 March 2020**. Such parts of this amendment as have not been disapproved by more than half of the total number of Contracting States on or before **20 July 2020** will become effective on that date and will become applicable on **5 November 2020** as specified in the Resolution of Adoption. (State letter AN 13/13.1-20/39 refers.)

**MARCH 2020**

**INTERNATIONAL CIVIL AVIATION ORGANIZATION**



**AMENDMENT 52 TO THE INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**ANNEX 11 — AIR TRAFFIC SERVICES**

**RESOLUTION OF ADOPTION**

*The Council*

Acting in accordance with the Convention on International Civil Aviation, and particularly with the provisions of Articles 37, 54 and 90 thereof,

1. *Hereby adopts* on 9 March 2020 Amendment 52 to the International Standards and Recommended Practices contained in the document entitled *International Standards and Recommended Practices, Air Traffic Services* which for convenience is designated Annex 11 to the Convention;
2. *Prescribes* 20 July 2020 as the date upon which the said amendment shall become effective, except for any part thereof in respect of which a majority of the Contracting States have registered their disapproval with the Council before that date;
3. *Resolves* that the said amendment or such parts thereof as have become effective shall become applicable on 5 November 2020;
4. *Requests the Secretary General:*
  - a) to notify each Contracting State immediately of the above action and immediately after 20 July 2020 of those parts of the amendment which have become effective;
  - b) to request each Contracting State:
    - 1) to notify the Organization (in accordance with the obligation imposed by Article 38 of the Convention) of the differences that will exist on 5 November 2020 between its national regulations or practices and the provisions of the Standards in the Annex as hereby amended, such notification to be made before 5 October 2020 and thereafter to notify the Organization of any further differences that arise;
    - 2) to notify the Organization before 5 October 2020 of the date or dates by which it will have complied with the provisions of the Standards in the Annex as hereby amended;
  - c) to invite each Contracting State to notify additionally any differences between its own practices and those established by the Recommended Practices, following the procedure specified in subparagraph b) above with respect to differences from Standards.

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**NOTES ON THE PRESENTATION OF THE  
AMENDMENT TO ANNEX 11**

1. The text of the amendment is arranged to show deleted text with a line through it and new text highlighted with grey shading, as shown below:

~~Text to be deleted is shown with a line through it.~~

text to be deleted

New text to be inserted is highlighted with grey shading.

new text to be inserted

~~Text to be deleted is shown with a line through it~~  
followed by the replacement text which is highlighted  
with grey shading.

new text to replace existing text

2. The sources of the amendment to Annex 11 arise from:

<b>Source</b>	<b>Annotation</b>
<p>Various sources, including the Task Force on Risks to Civil Aviation arising from Conflict Zones (TF RCZ) (C-DEC 203/1) and the Secretariat</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"><b>Source A</b></div>
<p>The PANS-Aerodromes Study Group (PASG)</p>	<div style="border: 1px solid black; padding: 5px; display: inline-block;"><b>Source B</b></div>

**TEXT OF AMENDMENT 52 TO THE  
INTERNATIONAL STANDARDS  
AND RECOMMENDED PRACTICES**

**AIR TRAFFIC SERVICES**

**ANNEX 11  
TO THE CONVENTION ON INTERNATIONAL CIVIL AVIATION**

Source A

**CHAPTER 2. GENERAL**

...

**2.19 Coordination of activities potentially hazardous to civil aircraft**

2.19.1 The arrangements for activities potentially hazardous to civil aircraft, whether over the territory of a State or over the high seas, shall be coordinated with the appropriate air traffic services authorities. The coordination shall be effected early enough to permit timely promulgation of information regarding the activities in accordance with the provisions of Annex 15—*Procedures for Air Navigation Services — Aeronautical Information Management* (PANS-AIM, Doc 10066).

2.19.1.1 **Recommendation.**— *If the appropriate ATS authority is not that of the State where the organization planning the activities is located, initial coordination should be effected through the ATS authority responsible for the airspace over the State where the organization is located.*

2.19.2 The objective of the coordination shall be to achieve the best arrangements which will avoid hazards to civil aircraft and minimize interference with the normal operations of such aircraft.

2.19.2.1 **Recommendation.**— *In determining these arrangements the following should be applied:*

- a) the locations or areas, times and durations for the activities should be selected to avoid closure or realignment of established ATS routes, blocking of the most economic flight levels, or delays of scheduled aircraft operations, unless no other options exist;*
- b) the size of the airspace designated for the conduct of the activities should be kept as small as possible;*
- c) direct communication between the appropriate ATS authority or air traffic services unit and the organization or unit conducting the activities should be provided for use in the event that civil aircraft emergencies or other unforeseen circumstances require discontinuation of the activities.*

2.19.3 The appropriate ATS authority shall ensure that a safety risk assessment is conducted, as soon

as practicable, for activities potentially hazardous to civil aircraft and that appropriate risk mitigation measures are implemented.

*Note 1.— Such risk mitigation measures may include, but would not be limited to, airspace restriction or temporary withdrawal of established ATS routes or portions thereof.*

*Note 2.— Guidance on safety risk management can be found in the Safety Management Manual (SMM) (Doc 9859).*

2.19.3.1 States shall establish procedures to enable the organization or unit conducting or identifying activities potentially hazardous to civil aircraft to contribute to the safety risk assessment in order to facilitate consideration of all relevant safety-significant factors.

*Note.— Guidance on collaborative decision making (CDM) processes for safety risk assessment and promulgation through NOTAM that could involve military authorities can be found in the Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations (Doc 9554).*

2.19.34 The appropriate ATS authorities shall be responsible for initiating the promulgation of information regarding the activities.

2.19.45 **Recommendation.**— *If activities potentially hazardous to civil aircraft take place on a regular or continuing basis, special committees should be established as required to ensure that the requirements of all parties concerned are adequately coordinated*

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*Editorial note.— Renumber subsequent paragraphs accordingly.*

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## 2.29 Safety management

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*Editorial note.— Replace the term “safety assessment” by “safety risk assessment”.*

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...

<b>Source B</b>
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**CHAPTER 3. AIR TRAFFIC CONTROL SERVICE**

...

## 3.7.3 Read-back of clearances and safety-related information

...

3.7.3.3 Vehicle drivers operating or intending to operate on the manoeuvring area shall read back to the air traffic controller safety-related parts of instructions which are transmitted by voice, e.g. instructions to enter, hold short of, cross and operate on any operational runway or taxiway.

3.7.3.4 The controller shall listen to the read-back to ascertain that the instruction has been correctly acknowledged by the vehicle driver and shall take immediate action to correct any discrepancies revealed by the read-back.

...

— END —



International  
Civil Aviation  
Organization

Organisation  
de l'aviation civile  
internationale

Organización  
de Aviación Civil  
Internacional

Международная  
организация  
гражданской  
авиации

منظمة الطيران  
المدني الدولي

国际民用  
航空组织

Tel.: +1 514-954-8219 ext. 8264

Ref.: SMM1/4-20/110

23 October 2020

**Subject:** Risk management in conflict zones

**Action required:** a) note the guidance material related to conflict zones; b) note the associated implementation support activities; and c) provide the requested information outlined in paragraph 5 below by 10 December 2020

Sir/Madam,

1. I have the honour to draw your attention to issues relating to the management of safety risks to civil aviation in conflict zones.
2. Recalling the tragic circumstances involving Ukraine International Airlines flight PS752 that, on 8 January 2020, resulted in the death of 176 persons, the ICAO Council considered action for mitigating risks to civil aviation in regards to operations near or over conflict zones.
3. Subsequently, the ICAO Secretariat completed a comprehensive gap analysis of current airspace management and conflict zone Standards and Recommended Practices (SARPs), as well as related guidance material. To that end, you are invited to note:
  - a) the “*Risk Assessment Manual for Civil Aircraft Operations Over or Near Conflict Zones*” (ICAO Doc 10084) published in 2018;
  - b) the upcoming publication of guidance material related to airspace management and conflict zone, i.e. “*Manual on Civil/Military Cooperation in Air Traffic Management*” (ICAO Doc 10088) and “*Manual Concerning Safety Measures Relating to Military Activities Potentially Hazardous to Civil Aircraft Operations*” (ICAO Doc 9554), expected to be completed by the end of 2020; and
  - c) ICAO is in the process of planning workshops that will provide support to the Member States in implementing the above-mentioned guidance material.

4. Events such as the one recalled in paragraph 2 above have highlighted inconsistencies in the availability of information about the conflict zones and adoption of varying risks mitigation approaches such as issuing operational flight restrictions or avoiding the area by States and service operators. Effective risk management (i.e. identification, assessment and mitigation of risk) relies on the availability of accurate and timely information and effective sharing and exchange of data and information. Therefore, the current absence of a harmonized list of information elements or defined indicators may lead to situations where operational measures taken concerning a particular conflict zone differ among States and service providers.

5. ICAO wishes to consult with the Member States on the process, methodologies and data that they and their service providers (air operators, air navigation service providers, aerodromes, etc.) use for risk management in relation to conflict zones. To provide input, States are invited to complete the questionnaire form provided in the Attachment and submit it to [PCI@icao.int](mailto:PCI@icao.int) by 10 December 2020.

6. ICAO will collect and analyse the input provided by the Member States to develop an understanding of risk management processes, information sources, methodologies and indicators used by States and their service providers. ICAO may also use States' input as the basis for developing additional guidance material.

7. The input and information you provide will be treated as confidential. Based on responses received, ICAO may contact certain Member States to further explore and discuss their input. ICAO will seek States' permission to publish or disseminate information on processes, methodologies and indicators.

Accept, Sir/Madam, the assurances of my highest consideration.

Fang Liu  
Secretary General

**Enclosure:**

Questionnaire: Risk Management Process, Information and Indicators Related to Conflict Zones



**6. RISK MITIGATION**

- a) Do your State and/or service providers implement risk mitigation measures and actions to mitigate risks associated with conflict zones?  Yes  No
- b) Please describe any mitigation measures and actions in place, including how often they are reviewed and if they are coordinated or communicated with other States or organizations. If applicable, please attach or provide a URL link to any supporting documents (procedures, instructions, NOTAMs, circulars, decision trees, action plans, etc.) that contain relevant details.

**7. INDICATORS AND DATA**

- c) Do your State and/or service providers use specific indicators to monitor risks associated with conflict zones?  Yes  No
- d) If yes, please provide further details below. If applicable, please attach or provide a URL link to any supporting documents that contain relevant details.

**INDICATOR 1**

**Indicator name:**

**Indicator description (what does the indicator measure):**

**Rationale (how is the indicator used):**

In the table below, provide information about the data supporting the measurement of the indicator.

Data set	Availability level (low, medium, high)	Data source/provider

**INDICATOR 2**

**Indicator name:**

**Indicator description (what does the indicator measure):**

**Rationale (how is the indicator used):**

In the table below, provide information about the data supporting the measurement of the indicator.		
Data set	Availability level (low, medium, high)	Data source/provider
<p><b>Please provide additional comments or documentation, if applicable.</b></p>		
<b>8. CONTACT DETAILS FOR FOLLOW-UP</b>		
<b>Completed by:</b> <i>Enter your name</i>	<b>Completed on:</b> <i>Use drop-down calendar to enter date</i>	
<b>Organization:</b> <i>Enter name of your organization</i>		
<b>Position:</b> <i>Enter your position, title or function</i>	<b>Contact information:</b> <i>Enter your email address</i>	

— END —