



WORKING PAPER

THIRTEENTH AIR NAVIGATION CONFERENCE

Montréal, Canada, 9 to 19 October 2018

COMMITTEE B

Agenda Item 7: Operational safety risks

7.3: Other implementation issues

**CONTINUED IMPLEMENTATION OF ICAO STANDARDS AND
RECOMMENDED PRACTICES**

(Presented by Canada and Australia)

EXECUTIVE SUMMARY

This paper (1) notes important progress made by the global civil aviation community to implement Standards and Recommended Practices (SARPs); and (2) reiterates the need to continue improving the SARP process given persistent challenges experienced by Member States grappling with: increasing rates and numbers of adopted SARPs; short-timelines provided to Member States to implement SARPs; and barriers faced by Member States, industry members, and others, seeking to access SARPs and other International Civil Aviation Organization (ICAO) technical guidance materials.

Action: The Conference is invited to agree to the recommendations in paragraph 3.2.

1. INTRODUCTION

1.1 Given increasing complexity and rapid growth in the global aviation system, ICAO SARPs continue to play a key role in promoting safety, regularity and efficiency in international civil aviation. Accordingly, ICAO Member States' continued implementation of Standards and Recommended Practices (SARPs) is imperative and must continue to benefit from strong international support.

1.2 This issue is not new; Canada and many other ICAO Member States invest significant resources to meet the requirements of ICAO SARPs, and ICAO has taken important initial steps to ensure continuous improvement of the SARPs process itself.

1.3 That said, several longstanding challenges for Member States with respect to the implementation of SARPs remain and there is an ongoing need for continued ICAO focus on this issue to ensure its long-term resolution.

2. DISCUSSION

2.1 The issue of improving the implementation of SARPs was raised at the Twelfth Air Navigation Conference (AN-Conf/12) by Australia in their working paper entitled “Standards and Recommended Practices Development” (AN-Conf/12-WP/119), which emphasized and recommended that the Conference: “reaffirm the Chicago Convention (Doc 7300) provisions applying to the [Air Navigation Commission] ANC and established sub-commissions (panels and study groups) and the States and the ANC’s fundamental role and responsibility for the development of quality and timely standards and recommended practices, procedures and guidance”; and, “support the important ongoing contribution of industry organizations and experts in assisting in SARP development, procedures and guidance material for air navigation.”

2.2 The AN-Conf noted the issue, in its report on Agenda Item 6, and specifically recognized the shared role of regulators, standards-making organizations, air navigation service providers, and other State experts in the development and implementations of SARPs, and agreed that the knowledge and expertise within these groups is vital to the long-term global delivery of ICAO standards.

2.3 Canada highlighted this issue again in two working papers brought forward at the 39th Session of the ICAO Assembly including: “Implementation of ICAO SARPs” (A39-WP/205) and “Access to ICAO Publications” (A39-WP/369).

2.4 In these working papers, Canada emphasized the ongoing need to improve the global SARPs process to ensure Member States are, and remain, well positioned to implement SARPs as the rate of their publication and adoption accelerates. It was also underscored that, while many international regulations are available free of charge, other guidance materials such as SARPs, safety standards, manuals, and other technical documents that are consulted frequently to advance safety, remain costly for Member States, stakeholders, and individuals requiring access to them.

2.4.1 A key recommendation, presented by Canada in A39-WP/205, was to develop a more flexible, progressive, and risk-based strategy that recognizes that Member States have limited financial and human resources, and may be better placed to implement SARPs more effectively and in a timely manner with assistance and additional measures. This would provide Member States early notice of SARPs development, which could help reduce the need for Member States to file differences, and developing approaches to make the process for implementation and filing of differences more streamlined and flexible for Member States.

2.4.2 Another key recommendation, in A39-WP/369, was to further support the “No Country Left Behind” initiative by providing greater “access free of charge to safety standards, manuals, and other technical documents” as this “clearly supports all countries having the same access to a safe and reliable air transport system”.

2.5 In its final report to the 39th Session of the Assembly, the Technical Commission “agreed that the Assembly should support the approaches and efforts by ICAO to put forward strategies to improve States’ implementation of [SARPs] related to aviation safety [and] also reaffirmed the support to the No Country Left Behind initiative that would promote increased compliance with SARPs”. The Report of the Executive Committee on Agenda Item 28 further states that ICAO remains “committed to the No Country Left Behind initiative”; that the Committee voiced strong support for “free web access to ICAO documents”; and “the Executive Committee recommends that the Assembly request the Council to analyse the proposal for the provision of free web access to ICAO documents and to report back on options for implementation to the 40th Session of the Assembly.”

2.6 Canada notes the Assembly's recognition that implementation of SARPs promotes a safe, secure, and sustainable civil aviation system; that Member States have varying capacity to effectively implement SARPs at the rate they are adopted by ICAO; and that ICAO assistance programs are intended to support the effective implementation of SARPs.

2.7 It is further noted that the Assembly resolved that the applicability dates of SARPs should allow Member States sufficient time for their implementation; that Member States shall be encouraged and assisted in the implementation of SARPs, and provided with guidance regarding the notification and publication of differences; and that "all Member States and relevant partners able to do so [should] provide States in need with financial and technical resources to assist them in enhancing their civil aviation systems by implementing SARPs and fulfilling their oversight responsibilities".

2.8 Having acknowledged the important steps and resolutions passed by ICAO to ensure the global civil aviation community is supported by a SARPs process that is feasible within the operational and regulatory contexts of different Member States, it is evident that numerous challenges persist for States, regulators, industry members, and others working to implement SARPs.

2.9 First, the rate of publication and adoption of SARPs has continued to increase at a pace where Member States are challenged to implement in a timely manner, due to respective Member States' domestic requirements related to the passing of legislation and regulation, development of policy frameworks and operational plans, prioritization and application of resources, and consultation with domestic industry stakeholders. This increasingly results in a need for regulators to file differences; provide regulatory exemptions to domestic operators; and can, over the long-term, reduce harmonization of civil aviation systems around the world.

2.10 Second, the timelines provided by ICAO to Member States, associated with the filing of differences, can put substantial strain on the resources and regulators' resources and capacity.

2.11 Third, for some Member States and industry members, cost-recovery fees that are often charged by ICAO to access SARPs and other technical documents continue to represent barriers to timely global compliance with international standards, weaken long-term efforts to improve and harmonize approaches to global aviation safety, and detracts from the objectives and commitments made by ICAO to implement the "No Country Left Behind" initiative.

3. CONCLUSION

3.1 In summary, and in continued support of the "No Country Left Behind" initiative, Canada and Australia note the progress made and resolutions passed by ICAO to-date seeking to further improve the implementation of SARPs.

3.2 In light of the above, the Conference is invited to agree to the following recommendation:

Recommendation 7.3/X - Continued Implementation of ICAO Standards and Recommended Practices

That the Conference:

- a) re-affirm support for the Chicago Convention provisions applying to the Air Navigation Commission, established sub-commissions (panels and study groups) and fundamental role and responsibilities of Member States and the Air Navigation

Commission for the development of quality and timely standards and recommended practices, procedures, and guidance;

- b) support the important ongoing contribution of industry organizations and experts in assisting with the development of SARPs and guidance material;
- c) support the development of a flexible, progressive, and risk-based strategy to improve global implementation of SARPS; and
- d) support implementing a solution that provides web access, free-of-charge, to safety standards, manuals, and other technical documents to assist all Member States and stakeholders in building, accessing, and maintaining a safe and reliable global air transport system.

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