



A39-WP/510
EX/195
3/10/16

ASSEMBLY — 39TH SESSION
EXECUTIVE COMMITTEE

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEM 27

The attached material on Agenda Item 27 is submitted for consideration by the Executive Committee.

Agenda Item 27: Increasing the efficiency and effectiveness of ICAO

27.1 At its eighth meeting, the Executive Committee considered WP/75, which contained the report of the Council outlining the continuing progress to improve efficiency and effectiveness of the Organization, taking into account Assembly resolutions A31-2 and A32-1, was presented. This report also presented actions and identified measures for further improvement during the 2017-2018-2019 triennium.

27.2 The Committee noted with appreciation the progress made by the Organization in improving its efficiency and effectiveness, and it invites the Assembly to request Council to continue with the ongoing process to work on the improvement of the effectiveness and efficiency of ICAO.

Addressing the Low Response Rate by Member States to ICAO State Letters

27.3 The Committee considered WP/22, which reported on the subject of increasing the response rate to State letters by Member States and presented actions to address the low response rates which was supported by an analysis of the status and reasons for the low response rate.

27.4 The United States, in WP/86, recommended that Contracting States review their procedures related to the development of SARPs; urged States to respond to ICAO State letters regarding proposed amendments to Annexes and PANS; and recommended ICAO Regional Offices to take an active role in encouraging responses by States. The paper included a proposed Assembly Resolution to supersede Resolution A38-11. It was noted that substantive discussion in the Technical Commission resulted in revised language for paragraphs 19 and 20 of the Assembly Resolution that clarified the intent for communication through Member States in those provisions.

27.5 Cuba, in WP/119, shared its experience and methodologies in responding effectively to ICAO State letters, and recommended including some of the elements of its practices in the communication tracking procedures being developed by ICAO.

27.6 An information paper (WP/320) was provided by the United Arab Emirates on challenges faced by States due to the large volume of correspondence sent by ICAO.

27.7 In its discussion, the Committee supported the recommendations. It agreed with the proposed actions aimed at increasing response rate to State letters as outlined in paragraph 2.3.1 in WP/22 and noted the intention by the Secretariat to incorporate the information contained in the various papers, as enhanced by the discussions, when it develops and implements those actions.

27.8 In light of the discussion the Committee agreed to submit, for adoption by the Plenary, the following resolutions:

Resolution 27/xx: Addressing the low response rate by Member States to ICAO State letters

Whereas Article 37 of the *Convention on International Civil Aviation* (Chicago Convention) requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and each Contracting State to collaborate in securing the highest possible degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Recognizing that a State letter is a medium through which the Organization, under the authority of the Secretary General, officially communicates its Standards and Recommended Practices and policies and interacts with its Member States and with others concerned;

Concerned that the low response rate by Member States to State letters is a long-standing issue that can adversely impact the fulfilment of obligations under Articles 37, 38, 54, 57 and 90 of the Chicago Convention;

Recalling that Resolution A29-3 urged States to respond to the ICAO Council's requests for comments and agreement or disagreement on ICAO proposed Standards to prevent decisions being taken on the basis of a small number of responses;

The Assembly:

1. *Calls* on Member States to reaffirm the necessity and honour their commitment to responding to all State letters issued by the ICAO in a complete and timely manner and to share best practices, through ICAO Regional Offices and/or regional civil aviation commissions, in order to promote continuous improvement, mobilize resources and build capacity within Member States in concert with ICAO's No Country Left Behind (NCLB) initiative;
2. *Instructs* the Secretary General to implement a registry attributes scheme for State letters that identifies the category, priority, discipline or subject matter and response needs, to facilitate improved processing of the State letters by Member States and other recipients;
3. *Requests* the Secretary General to review and, as necessary, revise the format of State letters and Electronic Bulletins, including design layout, as a means to more effectively communicate their content with Member States and other recipients;
4. *Requests* the Secretary General to investigate and, as necessary, introduce new communications tools, including web-based solutions, as a means to improve communication and interaction with Member States and other recipients of State letters and the recording of replies in the ICAO Records Management System;
5. *Instructs* the Secretary General to implement an automated and interactive web-based system capable of reporting the response rates to State letters, thus improving visibility of the status of State letter responses by Member States, by regions and/or globally, and promoting awareness and capacity building among Member States;
6. *Instructs* the Secretary General to introduce follow-up procedures at all ICAO Regional Offices, as a component of the Regional Office Manual as necessary, as a means to further inform and interact

with focal points within the Member States in their area of accreditation where responses to State letters are low or absent, and to take advantage of the presence of delegations at ICAO Headquarters in this connection also;

7. *Directs* the Council to monitor and analyse the response rate to State letters on a periodic basis, to make recommendations where the response rate of Member States is below the global average;

8. *Calls* on Member States to consider establishing focal points for internal (State-level) coordination and follow-up to State letters, continuously review the ICAO Directors General of Civil Aviation (DGCA) Directory and ensure that the contact details of the State letter recipients is kept up-to-date with changes notified to ICAO in a complete and timely manner; and

9. *Requests* the Secretary General to conduct an awareness campaign through ICAO Regional Offices, regional DGCA conferences and/or other fora such as regional civil aviation commissions targeted at Member States to increase the level of awareness of the importance of responding to all State letters issued by ICAO and in maintaining up-to-date contact details.

Resolution 27/xx: Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences

Whereas Article 37 of the *Convention on International Civil Aviation* requires each Member State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

Whereas Article 37 of the *Convention* requires the Organization to adopt and amend international standards and Recommended Practices and procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

Whereas in accordance with Article 38 of the *Convention* any Member State which finds it impractical to comply in all respects with any international standard or procedure or deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO;

Whereas the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the *Convention*;

Recognizing the effective implementation of SARPs and PANS promotes safe, secure and sustainable development of international civil aviation;

Recognizing that making differences information easily available to all stakeholders in a timely manner is important to promote safety, regularity and efficiency in international civil aviation;

Noting that many Member States experience difficulty in fulfilling their obligations under Articles 37 and 38 of the *Convention* and keeping pace with frequent amendments to Annexes;

Recognizing that up-to-date ICAO technical guidance material provides valuable assistance to Member States in the effective implementation of SARPs, PANS and Regional Plans;

Recognizing that substantial resources are required to develop and maintain all ICAO technical guidance material for SARPs and PANS;

Noting the increase of the number of notified differences to ICAO; ~~and~~

Recognizing that there is a strong need for all available means to be sought and employed in encouraging and assisting Member States in overcoming their difficulties in implementation of SARPs and PANS; ~~and~~

Recognizing that implementation of a Standard is increased globally through a development process that encourages inclusion of perspectives among all States and relevant industry stakeholders;

The Assembly:

1. *Calls on* Member States to reaffirm their commitment to abide by the obligations under Articles 37 and 38 of the Convention;
2. *Resolves* that SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for global and regional planning and implementation;
3. *Agrees* that subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Member States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency and editorial amendments shall be made only if essential;
4. *Reiterates* that SARPs and PANS shall be drafted in clear, simple and concise language. SARPs shall consist of broad, mature and stable provisions specifying functional and performance requirements that provide for the requisite levels of safety, regularity and efficiency. Supporting technical specifications, when developed by ICAO, should be translated in all working languages of ICAO in a timely manner and shall be placed in separate documents to the extent possible;
5. *Instructs* the Council to utilize, to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards making organizations in the development of SARPs, PANS and ICAO technical guidance material. Material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should be referenced in ICAO documentation;
6. *Resolves* that to the extent consistent with the requirements of safety regularity and efficiency, SARPs specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;

7. *Instructs* the Council to consult Member States on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary. Furthermore, subject to the adequacy of the verification and validation process, technical specifications may be acted upon by the Council without consultation with Member States. Such material shall however be made available to Member States upon request;
8. *Resolves* that the applicability dates of amendments to SARPs and PANS shall be so established as to allow Member States sufficient time for their implementation;
9. *Agrees* that no Annex or PANS document shall be amended more frequently than once per calendar year;
10. *Reminds* Member States of the requirement in Annex 15 to publish any significant differences in their Aeronautical Information Publication (AIP) and to include English text for those parts expressed in plain language;
11. *Encourages* Member States to use the Electronic Filing of Differences (EFOD) System when notifying their differences to ICAO;
12. *Instructs* the Secretary General to continue improving the EFOD system and assist Member States in transitioning from the paper-based processes to the use of the EFOD system;
13. *Directs* the Council to monitor and analyse the differences between the regulations and the practices of Member States and the SARPs and PANS with the aim of encouraging the elimination of those differences that are important for the safety, regularity and efficiency of international air navigation and taking appropriate actions;
14. *Instructs* the Council to explore possibilities to make differences information more easily available to all interested stakeholders and assess appropriate mechanism and form in which this information is made available;
15. *Resolves* that Member States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means and provided as soon as possible with more guidance in respect of the notification and publication of differences;
16. *Calls* on all Member States able to do so to provide requesting States with technical cooperation in the form of financial and technical resources to enable those States to carry out their obligations under Articles 37 and 38 of the Convention;
17. *Instructs* ICAO to establish priorities for the continuing updating of the contents of present ICAO technical guidance material and the development of additional guidance material thus ensuring optimum value for Member States in their planning and implementation of SARPs and PANS;
18. *Resolves* that the associated practices in this Resolution constitute guidance intended to facilitate and ensure implementation of this Resolution; ~~and~~

19. *Urges* Member States to review their procedures related to the development of SARPs with a view to enhance the involvement of a broader set of aviation stakeholders”; and;
20. *Requests* ICAO to consider development of a transition and communication strategy throughout planning and implementation phases for Member States, who in turn should facilitate outreach to stakeholders;
21. *Directs* ICAO to enhance the role of its Regional Offices in facilitating and monitoring the SARP amendment review process;
22. *Calls* upon Member States to respond to ICAO State letters regarding proposed Annex and PANS amendments; and
23. *Declares* that this resolution supersedes Resolution A38-11.

Associated practices

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, translation, processing and dissemination of technical specifications.
2. Member States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Member States should receive at least 30 days of notification of the intended approval or adoption of detailed material on which they are not consulted.
3. Member States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.
4. The Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.
5. The Council, prior to the adoption and approval of amendments to SARPs and PANS, should take into account feasibility of the implementation of SARPs and PANS by the intended applicability dates.
6. The Council, taking into account the definitions of terms “Standard” and “Recommended Practice”, should ensure that new Annex provisions, uniform application of which is recognized as necessary, are adopted as Standards, and that those new provisions, uniform application of which is recognized as desirable, are adopted as Recommended Practices.

7. The Council should urge Member States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Member State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle.
8. Differences from SARPs received should be promptly made available to Member States.
9. In encouraging and assisting Member States in the implementation of SARPs and PANS, the Council should make use of all existing means of ICAO and strengthen partnerships with entities which provide resources and assistance towards development of international civil aviation.
10. Member States should establish internal processes and procedures by which they give effect to the implementation of provisions of SARPs and PANS.
11. ICAO should update and develop guidance material in accordance with the established priorities to adequately cover all technical fields.
12. ICAO should amend and enhance existing SARPs development processes to ensure a robust multidisciplinary approach, and endeavor to make coordination as transparent to Member States as possible.

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27.9 WP/79, presented by the Council, reported on off-site strategy meetings that have afforded the Council an opportunity to use a different setting to reflect on and plan for ICAO's direction and strategy, while strengthening relationships between Council Representatives, the Air Navigation Commission and the Secretariat, also benefitting from the participation of industry partners. Also reported were recommendations from these events that are reflected in ongoing policies, initiatives and activities including the NCLB initiative, the IWAF and global partnerships for aviation development. ICAO's outreach to the regions was facilitated by visits of the President of the Council and Council Representatives to the regions and regional offices. The continued support of the Assembly and Member States was sought for the off-site strategy meetings and regional visits to be held in the future.

27.10 The Committee noted the information WP/308 presented by the Interstate Aviation Committee.

27.11 The Committee noted the contribution of the Council's off-site strategy meetings and regional visits to enhancing the efficiency and effectiveness of the organization and expressed support for these meetings as a mechanism for furthering the Organization strategic planning process.

27.12 WP/325, presented by ABIS Group¹, CERG², Chile, NORDIACO³, highlighted benefits of the creation of rotation groups with the objective of a more effective representation at ICAO, and invited the Assembly to:

- a) take note of the information contained in this paper;
- b) express appreciation for the existence of current rotation groups as an effective means of ensuring a greater number of Member States have an opportunity to serve on the Council;
- c) encourage Member States seeking to serve on the ICAO Council to create new rotation groups or join rotation groups already in existence; and
- d) request the Council to consider the adoption of written procedures that would formally recognize rotation groups and the function they serve for the purposes of electing Member States to the Council.

It was highlighted that through rotation groups a greater number of States are able to more closely follow and be engaged in the work of the Council while enhancing coordination and cooperation among States as well as their opportunities for membership of the Council.

27.13 Several delegations took the floor to support the role and recognition of rotation groups and to encourage participation in such groups. Other delegations, while supporting the working paper and in particular action items a) b) and c), identified the right of each Member State to submit its candidature for election to the Council; the need for coordination with regional groupings bearing in mind the arrangements established by them; and the absence of rotation groups in some regions, as factors to be taken into account while considering the role and status of rotation groups.

27.14 The Committee accordingly agreed to a), b) and c) above, and refer to the Council for further study the role and status of rotation groups in the work of the Organization, taking into account the comments made.

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¹ Austria, Belgium, Croatia, Ireland, Luxembourg, The Netherlands, Portugal, Switzerland

² Bulgaria, Cyprus, Czech Republic, Greece, Hungary, Lithuania, Poland, Romania, Slovakia, Slovenia

³ Denmark, Estonia, Finland, Iceland, Latvia, Norway, Sweden