

ELEVENTH AIR NAVIGATION CONFERENCE

Montreal, 22 September to 3 October 2003

**Agenda Item 2: Safety and security in air traffic management
(ATM)**

2.3 Safety regulation

:

SARPS “NOTIFICATION OF DIFFERENCES” PROCEDURES AND PANS STATUS

(Presented by the International Federation of
Air Line Pilots’ Associations — IFALPA)

SUMMARY

Global standardized provisions are of vital importance for the conduct of safe and secure international aviation. The implementation of SARPs and PANS by the ICAO Contracting States is the key to achieve this goal. The current procedures in regard to the notification of differences and the status of some technical material do not provide the optimum framework for global standardization and compliance.

Action by the conference is in paragraph 4.

1. OBLIGATION ON STATES REGARDING SARPS AND PANS

1.1 Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations, Standards and procedures. To this objective, ICAO Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) serve to achieve the implementation of global, standardized provisions for international aviation.

1.2 In accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and deems it necessary to adopt regulations or practices differing therefrom, is obliged to give immediate notification to ICAO.

1.3 Annex 15 — *Aeronautical Information Services* — requires that “*Aeronautical Information Publications shall include ... a list of significant differences between the national regulations and practices of the State and the related ICAO Standards, Recommended Practices and Procedures ...*” (para 4.1.2. c))

2. THE CURRENT SITUATION

2.1 However, the present basis and structure of the ICAO provisions — SARPs and PANS — do not support the above mentioned goal to the desired extent. This fact has been noted through the universal safety oversight audit programme (USAOP) in regard to the implementation of Standards, an even greater and mostly undocumented divergence exists in respect to *Recommendations* and *PANS*.

2.2 Although the concept of *Standards* and *Recommended Practices* as used in the Annexes proper, is also reflected in PANS, these do not have the same status. This inherent situation is also visible in the distinction between the adoption of Annexes and the approval of PANS documents. As a consequence, only differences from *Standards* in an Annex are regularly notified and published.

2.3 The lack of applicability of ICAO SARPs and PANS to domestic operations constitutes a further element which is detrimental to the concept of global aviation safety.

2.4 Assembly Resolution A33-14, Appendix D (Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)) resolves that:

- “*Contracting States shall be encouraged and assisted in the implementation of SARPs **and** PANS by all available means*”; and
- “*the differences between the regulations and the practices of Contracting States and the SARPs **and** PANS shall be monitored with the aim of encouraging the elimination of those differences that are important for the safety and regularity of international air navigation or are inconsistent with the objectives of the international Standards.*”

Furthermore, “... *Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.*”

3. CONCLUSION

3.1 It is recognized that an equal classification of provisions in PANS documents to that of Standard or Recommended Practice as in Annexes, would likely require an amendment to the Convention and as such does not seem to offer an immediate solution. However, this may be an issue that could be considered by the ICAO Assembly in its 35th Session.

4. **ACTION BY THE CONFERENCE**

4.1 The conference is invited to:

- a) note the information provided in this paper; and
- b) emphasize the need to comply with the existing Standard in Annex 15 as described in paragraph 1.3.

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