

ICAO Action

(RECs 22/13 and 23/13)

Similar incidents in which a lack of clarity and common understanding between pilots and controllers with respect to the fuel state of aircraft were identified, prompted ICAO to revisit relevant provisions in Annex 6, add a new section for fuel management which included provisions addressing how and when to communicate the fuel state of the aircraft, and revisit the air traffic controller provisions in the *Procedures for Air Navigation Services — Air Traffic Management* (PANS-ATM, Doc 4444). During the drafting of these provisions, consideration was given to the use of the emergency, distress and minimum fuel radiotelephony (R/T) procedures in Annexes 2 and 10. With respect to minimum fuel, it became clear that there were subtle but significant differences in how States handled MINIMUM FUEL R/T calls. Furthermore, there were no ICAO provisions or guidance for pilots.

Amendment 36 to Annex 6, Part I and Amendment 4 to PANS-ATM became effective in November 2012. In addition, ICAO published the *Flight Planning and Fuel Management Manual* (Doc 9976) which provides, in Chapter 6, guidance and detailed scenarios that describe how these new provisions are to be used.

Subsequent actions

Comments received from CIAIAC, Spain, 11 December 2013:

The Board of CIAIAC analysed the content of the letter from ICAO, dated 9 August 2013, with regards to safety recommendations REC 22/13 and REC 23/13, and has determined that the actions adopted by ICAO do not meet the objectives of the recommendations.

It is considered that the recommendations go further than the definitions established in these documents [i.e. Amendment 36 to Annex 6, Part I, Amendment 4 to PANS-ATM and Doc 9976], asking for a standardization on fuel related emergency declarations, with the generic emergency declarations established in Annex 2 — *Rules of the Air* and Annex 10 — *Aeronautical Telecommunications*. Moreover, it also claims for actions for avoiding having the improper use of the "Minimum fuel" status become a routine declaration in an effort to obtain better information or preferential treatment from air traffic control.

ICAO's response, 14 April 2014:

As mentioned in the letter from ICAO referenced above, incidents similar to those investigated in the aforementioned report (where a lack of clarity and common understanding between pilots and controllers with respect to the fuel state of the aircraft were identified) prompted ICAO to revisit the fuel use provision in Annex 6 — *Operation of Aircraft*, add a new section for fuel management which included provisions addressing how and when to communicate the fuel state of the aircraft, and re-visit the air traffic controller provisions in *Procedures for Air Navigation*

Services — Air Traffic Management (PANS-ATM, Doc 4444). During the drafting of these provisions ample consideration was given to the use of the emergency, distress and minimum fuel radiotelephony procedures. It became clear that there were subtle but significant differences in how States handled “minimum fuel” radiotelephony calls. Furthermore, there were no ICAO provisions or guidance for pilots.

Amendment 36 to Annex 6, Part I and Amendment 4 to PANS-ATM became effective on 15 November 2012 (after the incidents in the aforementioned report). In addition to those provisions, ICAO published the *Flight Planning and Fuel Management Manual* (Doc 9976) which provides in Chapter 6 guidance and detailed scenarios that describe how these new provisions are to be used.

After further review of this incident, ICAO is of the opinion that if the aforementioned provisions had been available to be implemented by the operator and ATC facility, the incident should not have happened.