



WORKING PAPER

ASSEMBLY — 39TH SESSION

TECHNICAL COMMISSION

Agenda Item 36: Aviation safety and air navigation implementation support

**ASSISTING IMPLEMENTATION THROUGH THE APPLICATION
OF IMPACT ASSESSMENTS AND IMPLEMENTATION TASK LISTS
DURING THE STANDARDS-MAKING PROCESS**

(Presented by the Council of ICAO)

EXECUTIVE SUMMARY

Pursuant to Recommendation 2/5, b), 1) of the High-level Safety Conference (HLSC) (2010) to develop an impact assessment methodology to be used when proposing new Standards and Recommended Practices (SARPs) and new Procedures for Air Navigation Services (PANS), the 37th Session of the Assembly (A37) in 2010 recommended that an impact assessment be required when new SARPs are proposed (A37-WP/394, Corrigendum No. 2 refers). Moreover, Resolution A38-11 of the 38th Session of the Assembly (A38) in 2013 resolved, inter alia, that Member States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means.

Accordingly, this paper reports on impact assessments and implementation task lists introduced over the course of the current triennium for application during the standards-making process and as an activity that can assist implementation.

Action: The Assembly is invited to:

- a) note the work undertaken since the 37th and 38th Sessions of the Assembly;
- b) note that, subject to appropriate prioritization, Council will ensure that impact assessments and implementation task lists continue to be utilized into the next triennium and their continued efficacy through periodic review; and
- c) urge Contracting States to utilize the impact assessments and implementation task lists that accompany State letters notifying of the adoption of Annex amendments or approval of PANS amendments when developing national regulations and practices.

<i>Strategic Objectives:</i>	This working paper relates to the Safety and Air Navigation Capacity and Efficiency Strategic Objectives.
<i>Financial implications:</i>	The activities referred to in this paper will be undertaken subject to the resources available in the 2017-2019 Regular Programme Budget and/or from extra budgetary contributions.
<i>References:</i>	Doc 10022, <i>Assembly Resolutions in Force</i> (as of 4 October 2013) Doc 9958, <i>Assembly Resolutions in Force</i> (as of 8 October 2010) Doc 7300, <i>Convention on International Civil Aviation</i> , signed at Chicago on 7 December 1944 and amended by the ICAO Assembly

1. BACKGROUND

1.1 The High-level Safety Conference (HLSC) (2010) recommended that ICAO develop an impact assessment methodology to be used when proposing new Standards and Recommended Practices (SARPs) or new Procedures for Air Navigation Services (PANS) (Recommendation 2/5, b), 1) refers). In 2010, the 37th Session of the Assembly (A37), while considering Agenda Item 25: Follow-up of the High-level Safety Conference (2010), recommended that an impact assessment be required when new SARPs are proposed (A37-WP/394, Corrigendum No. 2 refers).

1.2 Moreover, Resolution A38-11 of the 38th Session of the Assembly (A38) in 2013 resolved, inter alia, that Member States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means.

1.3 Subsequently, the Council concluded (C-MIN 201/4) that an impact assessment process should be adopted, in which a relatively simple questionnaire had been devised and would form the basis of the survey, and that the exercise would also be accompanied by an implementation task list aimed at identifying the various steps that a State would have to undertake in order to implement a deliverable. This would resemble a checklist and would be helpful in arriving at an understanding of the implementation path to be followed for every deliverable.

1.4 In view of assisting implementation, the Council herewith reports on the application of impact assessments and implementation tasks lists during the standards-making process.

2. DISCUSSION

2.1 Impact Assessment

2.1.1 An impact assessment form, as devised by the Air Navigation Commission (ANC) in coordination with the Secretariat, comprises:

- a) an impact assessment pertaining to States and industry;
- b) an implementation plan pertaining to States and industry; and
- c) an audit plan pertaining to the USOAP CMA¹ protocol questions.

The latest impact assessment form introduced during the current triennium is available in English via the ICAO website². It is worthwhile to note that the impact assessment comprises an outline of the overall impact of the proposal on the strategic objectives of ICAO as well as the overall impact of the proposal on States and industry from a resource perspective and a cost-benefit perspective.

2.1.2 An ANC Panel or other expert group, as an initiator of proposed new SARPs and PANS, first completes the impact assessment form with the assistance of the Secretariat as necessary. The completed form is then taken into consideration by the ANC at the time of its preliminary review of a proposed amendment to Annex and/or PANS provisions.

2.1.3 For a proposed amendment to an Annex, an abridged version of a completed impact assessment form is reviewed by the Council at the time of its adoption and subsequently included in the State letter notifying of the adoption. Similarly, for a proposed amendment to a PANS, an abridged version of a completed impact assessment form is reviewed by the ANC at the time of its approval, and subsequently included in the State letter notifying of the approval.

¹ Universal Safety Oversight Audit Programme Continuous Monitoring Approach (of ICAO).

² <http://www.icao.int/about-icao/AirNavigationCommission/> (click on 'Air Navigation Work Programme').

2.2 Implementation Task List

2.2.1 An implementation task list form, as devised by the ANC taking into account the advice of the Secretariat, comprises:

- a) an implementation task list detailing the essential steps to be followed by a State in order to implement the proposed amendment;
- b) guidance on ICAO support to States' implementation activities, including:
 - 1) details on the effective date in the case of SARPs and approval date in the case of PANS, applicability date and any embedded applicability date(s); and
 - 2) an outline of supporting documentation such as ICAO technical guidance material and material from external (non-ICAO) sources;
- c) an indication of implementation assistance tasks such as global and regional workshops and other available resources such as implementation kits and computer-based training; and
- d) an indication of whether new or improved Universal Safety Oversight Audit Programme (USOAP) protocol questions are required as a consequence of the new SARPs or PANS.

An example of an implementation task list introduced during the current triennium is available in English via the ICAO website³. In respect of Paragraph 2.2.1 b) 2), it is worthwhile to note that ICAO intends to make its technical guidance material available, to the extent practicable, not later than the applicability date of amendments to Annexes and PANS so as to provide the greatest opportunity for the ICAO provisions to be efficiently and effectively implemented by States. In most cases the availability of technical guidance material supporting amendments to Annexes will coincide with the effective date.

2.2.2 Much of the content of a completed implementation task list form is derived from the information included in the impact assessment form referenced at Paragraph 2.1 above. Considering that some tasks will depend on the operational scenario within which the implementation is expected to occur, it is worthwhile to note that the implementation task list is not exhaustive.

2.2.3 For a proposed amendment to an Annex, a completed implementation task list is reviewed by the Council at the time of its adoption and subsequently included in the State letter notifying of the adoption. Similarly, for a proposed amendment to a PANS, a completed implementation task list template is taken into consideration by the ANC at the time of its approval and subsequently included in the State letter notifying of the approval.

3. CONCLUSION

3.1 Impact assessments and implementation task lists have been introduced over the course of the current triennium for application during the standards-making process and as an activity that can assist implementation. Subject to appropriate prioritization, the Council will ensure that they continue to be utilized into the next triennium and undergo periodic review to ensure their continued efficacy.

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³ <http://www.icao.int/about-icao/AirNavigationCommission/> (click on 'Air Navigation Work Programme').