



ASSEMBLY — 39TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 27: Increasing the efficiency and effectiveness of ICAO

CUBA'S EXPERIENCE WITH THE RECEIPT, ASSESSMENT, AND PROCESSING OF ICAO STATE LETTERS

(Presented by Cuba)

EXECUTIVE SUMMARY

The aim of this working paper is to publicize the practices utilized in working with ICAO documentation concerning Annex amendments and to determine possible differences between the ICAO Standards and Recommendations (SARPs) and the Cuban Aviation Regulations (RAC), which are classified as official communications in various fields within international civil aviation, in addition to other State letters and communications referring to events, seminars and courses.

Action: The Assembly is invited to:

- a) note the information contained in the working paper;
- b) share the best practices mentioned in the paper with other Member States; and
- c) consider including some of the elements of the practices mentioned in this paper in the communications tracking procedures to be established by ICAO.

<i>Strategic Objectives:</i>	This working paper relates to all the Strategic Objectives.
<i>Financial implications:</i>	None
<i>References:</i>	Doc 7300, <i>Convention on International Civil Aviation</i> , (Articles 37 and 38) Procedure for Drafting, Amending, and Updating the Cuban Aviation Regulations (RAC General) Internal Procedure of the Cuban Civil Aviation Institute (IACC) Working Procedures for the Receipt, Assessment, and Processing of ICAO Documents

¹ Spanish version provided by Cuba

1. INTRODUCTION

1.1 Article 37 of the *Convention on International Civil Aviation* (Doc 7300) mandates that every Member State must collaborate in securing the highest practicable degree of uniformity in regulations, standards, procedures, and organization in relation to aircraft, personnel, airways and auxiliary services in all matters in which such uniformity will facilitate and improve air navigation, and it stipulates that the Organization shall adopt and amend international standards and recommended practices and procedures.

1.2 Moreover, Article 38 of the *Convention on International Civil Aviation* states that any State which finds it impossible to comply in all respects with any such international standard or procedure or which deems it necessary to adopt regulations or practices differing from those established, is obliged to ICAO give immediate notification thereof, and that the effective implementation of the Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) shall promote the safe, secure, and sustainable development of international civil aviation; recognizing that making differences information easily available to all interested stakeholders in a timely manner is important for promoting aviation safety and security, regularity, and the efficiency of international civil aviation.

1.3 The Internal Procedure of the Cuban Civil Aviation Institute (IACC) for the Receipt, Assessment and Processing of ICAO documents and the Procedures for Drafting, Amending, and Updating the Cuban Aviation Regulations set out in the RAC General are always applicable when a response is required to a State letter or official communication concerning aviation activity and referring to Annex amendments, differences between SARPs and our Regulations (RAC), and documentation and publications received from ICAO, including forms.

2. DISCUSSION

2.1 As stated in ICAO Assembly Resolution A38-11 (Formulation and implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS) and notification of differences), many contracting States experience difficulty in fulfilling their obligations to respond to State letters and official ICAO communications concerning aviation activity. The IACC has drafted and implemented the Procedure for Drafting, Amending, and Updating the Cuban Aviation Regulations (RAC General) and the Internal Procedure in order to respond to ICAO State letters, with the objective of fulfilling our obligations as a State signatory to the *Convention on International Civil Aviation* (Chicago Convention).

2.2 The primary aims of the RAC General and the IACC Internal Procedure are as follows:

- a) establish a focal point to manage the State letters received from ICAO or a regional civil aviation organization, in conjunction with all of the senior IACC managers (directors and department heads);
- b) determine the areas responsible for assessing and proposing actions (independent director or department head responsible for the RAC) when the State letter received relates to topics requiring Cuban Aviation Regulations to be drafted or amended;
- c) set implementation dates in each case, ensuring that sufficient time is allotted to complete the entire process of consultation, analysis, approval and submission; draft the proposed response, whether it be an agreement, disagreement, or notification of

differences, in the format required by ICAO or by the relevant regional civil aviation organization;

- d) schedule the dates for group analysis of the various proposed amendments by the Aviation Council. The independent director or department head responsible for the relevant area shall present to the Aviation Council the proposed response to the State letter and a brief description of the consequential amendments to be made to the RAC, including those considered not to arise from a notification of differences. The supported proposals will be analysed and can be approved in their entirety or with changes;
- e) in cases of SARPs amendments, the independent, responsible branch or department of the RAC will file the corresponding notifications through the Electronic Filing of Differences (EFOD) system and/or any other established notification mechanism. The CMA office will ensure systematic and timely compliance;
- f) propose to the IACC President the necessary preparatory action, the proposed amendments to the RAC, and the proposed replies to ICAO, including any notifications of differences;
- g) ensure that those responsible respond to the Focal Point within a maximum period of one week before the date set by ICAO in the relevant State letter. Subsequently, the Focal Point will send them to the Vice-President for revision, after which they will be submitted to the President of IACC for signature; and
- h) once this process is complete, the Focal Point will email the original copy of the response signed by the President of IACC and scanned to the Representative of Cuba to ICAO, who will handle its processing within the institution. As for communications with the North American, Central American and Caribbean Office, Mexico (NACC) and Latin American Civil Aviation Commission (LACAC), they will be emailed directly to these offices.

3. CONCLUSION

3.1 The drafting and implementation by IACC of detailed procedures on actions to be taken upon receipt of ICAO State letters has made it possible to increase the quality and the number of responses sent to ICAO in a timely manner. Even though the result is not at the required level (only 72.5 per cent to date), the established procedure has the potential to achieve the desired levels, especially for letters concerning amendments to SARPs. This fact, in conjunction with the use of the EFOD System, has contributed to the improvement of the RAC updating process and to fulfilling our obligation as a Contracting State of the Chicago Convention. Cuba's experience could apply to developing countries with low levels of resources and automation.