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ASSEMBLY — 41ST SESSION

REPORT OF THE TECHNICAL COMMISSION ON AGENDA ITEM 33

(Presented by the Chairperson of the Technical Commission)

The attached report on Agenda Item 33 has been approved by the Technical Commission. Resolution 33/1 is recommended for adoption by the Plenary.

Note.— After removal of this covering sheet, this paper should be inserted in the appropriate place in the report folder.

(7 pages)

Agenda Item 33: Other issues to be considered by the Technical Commission**Air traffic management, rescue firefighting and volcanic ash exercises**

33.1 The Commission reviewed A41-WP/129, presented by Bangladesh, which provided information regarding issues faced by States in the Asia and Pacific (APAC) Region in describing flight information regions (FIRs) accurately. The Commission noted the status of the incorporation of FIR descriptions within the APAC Air Navigation Plan and encouraged coordination between neighbouring State(s) in support of the initiatives taken by the ICAO Regional Offices.

33.2 The Commission reviewed A41-WP/86, presented by Czechia on behalf of the Member States¹ of the European Union (EU), other Member States² of the European Civil Aviation Conference (ECAC), the European Organisation for the Safety of Air Navigation (EUROCONTROL) and co-sponsored by Brazil. The paper detailed concerns regarding the operation of state aircraft within airspace for which reduced vertical separation minimum (RVSM) is applicable and proposed the inclusion of a new Appendix to Assembly Resolution A40-4: *Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation*. While remaining cognizant of Article 3, *Civil and state aircraft*, of the Chicago Convention, the Commission supported the intent of the proposal and agreed that it be appropriately reflected under Appendix I of the resolution: *Coordination and cooperation of civil and military air traffic*. The Commission noted the recent and ongoing civil/military workshops conducted by ICAO, and agreed that the specific issues raised in A41-WP/86 be brought to the attention of the appropriate expert group(s).

33.3 In light of the discussion, the Commission agreed to submit, for adoption by the Plenary, the following resolution to supersede Assembly Resolution A40-4, Appendix I:

Resolution 33/1: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation

Whereas in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

Whereas a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the ~~38~~⁴⁰th Session of the Assembly was adopted by the Assembly in Resolution ~~A38-12~~^{A40-4}, Appendices A to O inclusive;

Whereas the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution ~~A38-12~~^{A40-4}, Appendices A to O inclusive, and has amended the statement to reflect the decisions taken during the ~~40th~~^{41st} Session;

Whereas a policy or associated practice that requires continued application for a period of more than three years should be regarded as a continuing policy or associated practice; and

Whereas material which is contained in regulatory or readily available authoritative ICAO documents, such as Annexes, Global Plans, rules of procedures and directives to air navigation meetings should normally be excluded from the consolidated statements, including, in particular, the associated practices;
The Assembly:

1. *Resolves* that:
 - a) the appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of ICAO as they exist at the close of the ~~40th~~41st Session of the Assembly; and
 - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies.
2. *Requests* the Council to keep the consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation under review and advise the Assembly when changes are required to the statement; and
3. *Declares* that this resolution supersedes Resolutions ~~A38-12~~A40-4 with its appendices and A15-9.

[...]

APPENDIX I

Coordination and cooperation of civil and military air traffic

Whereas the airspace is a resource common to both civil and military aviation, and given that many air navigation facilities and services are provided and used by both civil and military aviation;

Whereas the Preamble of the Convention on International Civil Aviation stipulates that signatories thereto had “agreed on certain principles and arrangements in order that international civil aviation may be developed in a safe and orderly manner and that international air transport services may be established on the basis of equality of opportunity and operated soundly and economically”;

Whereas Article 3 a) of the Convention states that “This Convention shall be applicable only to civil aircraft, and shall not be applicable to state aircraft” and Article 3 d) requires that “contracting States undertake, when issuing regulations for their state aircraft, that they will have due regard for the safety of navigation of civil aircraft”;

Recognizing that growing civil air traffic and mission-oriented military air traffic would benefit greatly from a more flexible use of airspace used for military purposes and that satisfactory solutions to the problem of cooperative access to airspace have not evolved in all areas;

Whereas the flexible use of airspace by both civil and military air traffic may be regarded as the ultimate goal, improvement in civil/military coordination and cooperation offers an immediate approach towards more effective airspace management; and

Recalling that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly; **and**

Whereas the application of reduced vertical separation minimum (RVSM) provides many benefits including additional airspace capacity, cost savings and reduced environmental impacts, it is predicated upon stringent aircraft height-keeping performance requirements, which can be impaired by even minor airframe modifications;

The Assembly resolves that:

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of civil aviation as well as to ensure the requirements of military air traffic are met;
2. the regulations and procedures established by Member States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2;
3. the Secretary General shall provide guidance on best practices for civil/military coordination and cooperation;
4. Member States may include, when appropriate, representatives of military authorities in their delegations to ICAO meetings; and
5. ICAO serves as an international forum that plays a role in facilitating improved civil/military cooperation, collaboration and the sharing of best practices, and to provide the necessary follow-up activities that build on the success of the Global Air Traffic Management Forum on Civil/Military Cooperation (2009) with the support of civil/military partners.

Associated practices

1. Member States should as necessary initiate or improve the coordination and cooperation between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.
3. Member States should review existing practices to ensure that approval of state aircraft to operate in airspace where reduced vertical separation minimum (RVSM) is applicable is conducted either in compliance with, or in a manner equivalent to, associated height-keeping performance requirements and account for any subsequent airframe modifications. Furthermore, to the maximum extent practicable, Member States should facilitate the participation of applicable state aircraft in technical height-monitoring programmes to ensure continued compliance with such performance requirements, so as to implement the policy mentioned in Resolving Clauses 1 and 2 above.

~~34.~~ The Council should ensure that the matter of civil and military coordination and cooperation in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings, in accordance with Resolving Clauses 3, 4 and 5 above.

33.4 The Commission reviewed A41-WP/68, presented by Pakistan, which provided information regarding the existing and proposed measures to mitigate the impact of long-haul transit flights circumnavigating the Kabul FIR, so as to effectively manage the flow of international civil aviation, in a collaborative manner with neighbouring States. The Commission noted the activities of Pakistan and the contingency coordination team (CCT) established by ICAO in accordance with applicable provisions of Annex 11 — *Air Traffic Services*, to facilitate collaborative discussion and agreement, and encouraged active participation by all relevant stakeholders.

33.5 The Commission reviewed A41-WP/399, presented by Venezuela (Bolivarian Republic of), which presented a method for the risk analysis of uncoordinated entry of aircraft into RVSM airspace to assess the impact on operational safety. The Commission recalled the provisions in the *Procedures for Air Navigation Services — Air Traffic Management* (PANS-ATM, Doc 4444) pertaining to the responsibilities of an air traffic services unit that becomes aware of an unidentified aircraft in its area. The Commission noted the ongoing work of ICAO on RVSM and agreed that the contents of A41-WP/399 be brought to the attention of the appropriate expert group.

33.6 The Commission reviewed A41-WP/132, presented by the United Arab Emirates, which proposed enhancements to the process of airspace delineation over the high seas and non-sovereign airspace. The Commission recognized the need for more objective criteria to determine if proposed amendments to regional air navigation plans in this regard ensure safety and optimize efficiency and economy for both providers and users of the services. The Commission recommended that ICAO review and amend the applicable procedures and policy concerning airspace delineation, as deemed necessary, subject to existing priorities funded through the 2023-2025 Budget and the availability of extra-budgetary resources. The Commission emphasized that any new criteria should not be applied retroactively.

33.7 The Commission reviewed A41-WP/278, presented by Venezuela (Bolivarian Republic of), which provided information regarding the State's initiative to develop specialized training on accident investigation for members of rescue and firefighting services (RFFS) in response to the demand for quality and expertise during initial aircraft accident investigation tasks at an accident site. The Commission highlighted that RFFS must focus on performing RFF tasks and that any aircraft accident investigation training for RFFS should be limited to tasks for preserving the accident site and protecting evidence of transitory nature until the accident investigation team arrives on site.

33.8 The Commission reviewed A41-WP/398, presented by Venezuela (Bolivarian Republic of), and supported by Bolivia (Plurinational State of), Dominican Republic and Panama, concerning an expanded role of the RFFS to raise safety standards in fire and/or accident prevention at airport facilities. The Commission acknowledged the importance of safety and prevention activities to be carried out by the RFFS, subject to the condition that such activities do not impair their primary responsibility of saving lives in the event of an aircraft accident or incident occurring at, or in the immediate vicinity of, an aerodrome.

33.9 The Commission reviewed A41-WP/346 Revision No.1, presented by New Zealand, which highlighted the importance of regular simulated volcanic ash exercises to ensure maximum preparedness for volcanological events. Noting that regular volcanic ash exercises are implemented in each ICAO region, the Commission encouraged Member States to continue collaboration with ICAO in this regard, including follow-ups on lessons learned. The Commission also highlighted the importance of implementing appropriate communications infrastructure for effective dissemination of Volcano Observatory Notice for Aviation (VONA).

Miscellaneous

33.10 The Commission reviewed A41-WP/175, presented by Czechia on behalf of the Member States¹ of the EU, other Member States² of ECAC, Canada and EUROCONTROL, co-sponsored by Brazil, New Zealand and the International Coordinating Council of Aerospace Industries Associations (ICCAIA); A41-WP/255, presented by the United States; and A41-WP/421, presented by Venezuela (Bolivarian Republic of), supported by Costa Rica, the Dominican Republic and Panama. The Commission noted the proposals for the further development of the International Aviation Trust Framework (IATF) in A41-WP/175 and A41-WP/255, as well as the progress and planned actions in the development and application of an Information Security Management System (ISMS) to air navigation services (ANS) in A41-WP/421. The Commission noted that the development of information security requirements was already ongoing and that the establishment of a new expert group was also underway. In this regard, the Commission agreed that the contents of the papers be brought to the attention of the expert group.

33.11 The Commission reviewed A41-WP/90, presented by Iran (Islamic Republic of), which highlighted the benefits and challenges of using artificial intelligence (AI) systems in aviation. The Commission noted that established ICAO expert groups which address data, analysis and innovations were already considering the use of AI. Noting the ongoing applicability of A40-27: *Innovation in aviation*, the Commission agreed to refer the content of A41-WP/90 to the appropriate expert groups.

33.12 The Commission reviewed A41-WP/337, presented by Colombia, supported by Argentina, Bolivia, Brazil, Chile, Ecuador, El Salvador, Guyana, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of), which presented the implementation status of automatic dependent surveillance — broadcast (ADS-B) in the South American (SAM) Region. Noting the good progress made by States in the SAM Region and ongoing efforts of ICAO on global and regional levels for ADS-B implementation support, including information sharing, the Commission agreed that the contents of A41-WP/337 be referred to the appropriate expert groups.

33.13 The Commission reviewed A41-WP/183, presented by the United Arab Emirates, regarding the use of digital documents on board aircraft. The paper highlighted the need to develop guidance on the use of such formats and for States to accept them as valid. The Commission noted that the task was already being progressed and agreed to refer the contents of A41-WP/183 to the relevant expert group.

33.14 The Commission reviewed A41-WP/338, presented by Chile, and supported by 20 LACAC Member States³, Guyana and Suriname. The paper highlighted the necessity to incorporate training and certification practices that are adaptable to new technologies and processes faced by air traffic controllers operating current and future systems, in line with competency-based training and

assessment (CBTA). The Commission recalled Assembly Resolution A40-25: *Implementing Aviation Training and Capacity-Building Strategies*, noted the ongoing work of ICAO on this matter and agreed to refer the details of A41-WP/338 to the relevant expert group.

33.15 The Commission reviewed A41-WP/215, presented by the United Arab Emirates, regarding the approach taken in their State towards implementing dangerous goods CBTA. Acknowledging, with appreciation, the offer of the United Arab Emirates to invite the Member States to its training sessions, the Commission agreed to refer the contents of A41-WP/215 to the relevant expert group.

33.16 The Commission reviewed A41-WP/299, presented by Singapore and the Flight Safety Foundation (FSF), which highlighted the safety pressures resulting from actions taken outside aviation and proposed the implementation of explicit arrangements for regulatory safety assessment and cooperation. The Commission acknowledged that the establishment of a new expert group that would address integrated risk management was underway and agreed to refer the contents of A41-WP/299 to that expert group.

33.17 Information papers provided by: Brazil (A41-WP/288 and A41-WP/291); Cameroon (A41-WP/334); Canada, Japan, Singapore, Thailand, and the United States (A41-WP/499); China (A41-WP/450 and A41-WP/462); Member States⁴ of the Central American Corporation for Air Navigation Services (COCESNA) (A41-WP/417 and A41-WP/565); the Dominican Republic (A41-WP/305, A41-WP/307 and A41-WP/394); India (A41-WP/566); Indonesia (A41-WP/505 and A41-WP/508); Iran (Islamic Republic of) (A41-WP/113, A41-WP/114 and A41-WP/308); Oman (A41-WP/464); the Republic of Korea (A41-WP/548 and A41-WP/535); Saudi Arabia (A41-WP/512, A41-WP/519 and A41-WP/525); Venezuela (Bolivarian Republic of), supported by Bolivia (Plurinational Republic of), the Dominican Republic and Panama (A41-WP/383 and A41-WP/506); the United States (A41-WP/496, A41-WP/497, A41-WP/500, A41-WP/501 and A41-WP/600); Airports Council International (ACI) (A41-WP/593) and the International Coordinating Council of Aerospace Industries Associations (ICCAIA) (A41-WP/269) were noted.

¹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden

² Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, Iceland, Republic of Moldova, Monaco, Montenegro, North Macedonia, Norway, San Marino, Serbia, Switzerland, Türkiye, Ukraine and the United Kingdom

³ Argentina, Aruba (Kingdom of the Netherlands), Belize, Bolivia (Plurinational State of), Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, El Salvador, Guatemala, Honduras, Jamaica, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela (Bolivarian Republic of).

⁴ Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua.