



A37-WP/352
TE/173
2/10/10

ASSEMBLY — 37TH SESSION
TECHNICAL COMMISSION

DRAFT TEXT FOR THE REPORT
ON
AGENDA ITEM 34

The attached material on Agenda Item 34 is submitted for consideration by the Technical Commission.

Agenda Item 34: Proficiency in the English language used for radiotelephony communications

34.1 The Commission reviewed A37-WP/63, presented by the Council, on the implementation of the language proficiency requirements. The paper put forward a draft resolution to supersede Resolution A36-11: *Proficiency in the English language used for radiotelephony communications* be superseded.

34.2 The Commission considered A37-WP/178 which was presented by the People's Republic of China. While the paper recognized that the language proficiency requirements are safety critical, it highlighted that States where English is not a first language were experiencing many implementation challenges. The proposal by China called for the draft Assembly resolution in A37-WP/63 to include a flexible approach for those States not fully compliant with the language proficiency requirements by 5 March 2011.

34.3 The Commission also considered A37-WP/288 presented by Nepal. Given limited resources, the paper called for mutual assistance among States to achieve implementation of the language provisions.

34.4 The Commission recognized that data gathered thus far indicates that significant progress has been achieved and that a majority of States expect to be compliant with the language provisions by 5 March 2011. It was also noted that language proficiency requirements have progressively become applicable since March 2003 and that sustained efforts are underway to implement the language proficiency requirements are being pursued.

34.5 In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution:

Resolution 34/1: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States required additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered.

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;

2. *Directs* the Council to continue to support Contracting States in their implementation of the language proficiency requirements;

3. *Urges* Contracting States to assist each other in their implementation of the language proficiency requirements;

4. *Urges* Contracting States that have not complied with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the associated practices below and ICAO guidance material;

5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;

6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States and have notified ICAO of the differences pertaining to language provisions;

7. *Urges* Contracting States not yet fully compliant on 5 March 2011 to continue to provide ICAO with regularly updated implementation plans including progress achieved in meeting their timelines for full compliance;

8. *Urges* Contracting States after 5 March 2011 to take a flexible approach towards States that do not yet meet the Language Proficiency Requirements, yet are making progress as evidenced in their implementation plans. Decisions concerning operations should be made on a non-discriminatory basis and not be made for the purpose of gaining economic advantage.

9. *Directs* the Council to monitor the status of implementation of the Language Proficiency Requirements and take necessary actions to advance safety and maintain the regularity of international civil aviation; and

10. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and

11. *Declares* that this resolution supersedes Resolution A36-11.

Associated practices

Contracting States that did not meet the Language Proficiency Requirements by 5 March 2008 should:

1. Develop implementation plans for the Language Proficiency Requirements that include the following:

- a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
- b) a timeline for establishment of language training and assessment capabilities;
- c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
- d) timelines, with identifiable milestones, for full implementation of the Language Proficiency Requirements;
- e) a procedure for endorsing licences to indicate the holders' language proficiency level; and
- f) designation of a national focal point in relation to the English language proficiency implementation plan;

2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website and update them on a regular basis until full implementation has been achieved;

3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and

4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

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