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ASSEMBLY — 37TH SESSION

REPORT OF THE TECHNICAL COMMISSION ON AGENDA ITEMS 31, 32 AND 33

(Presented by the Chairman of the Technical Commission)

The attached report on Agenda Items 31, 32 and 33 has been approved by the Technical Commission. Resolutions 31/1, 32/1 and 33/1 are 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.

(12 pages)

Agenda Item 31: Comprehensive Regional Implementation Plan for Aviation Safety in Africa

31.1 The Commission reviewed working paper A37-WP/41, presented by the Council, which contained information on the implementation of the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (AFI Plan). The paper provided progress made on the basis of the AFI Comprehensive Implementation Programme (ACIP) focus areas developed to implement the plan, and recommended the continuation of ACIP activities under the work programme of the regional Offices. The paper also contained information on the support in kind that was made available directly to ACIP by the African States. Further, the Commission reviewed the resolution proposed to supersede Resolution A36-1 on the agenda item.

31.2 The Commission expressed its satisfaction with the efforts underway, agreeing that the activities initiated by ACIP should continue within the work programme of the Regional Offices until the objectives of the AFI Plan are fully realized.

31.3 The Secretary introduced A37-WP/30, presented by the Council, which provided information on the implementation of the Special Africa-Indian Ocean Regional Air Navigation (SP AFI/08 RAN) Meeting recommendations. Reviewing the progress made, the Commission noted the ongoing efforts by States, the Secretariat and the AFI Planning and Implementation Regional Group (APIRG) and recommended that the Assembly: direct the Secretariat to analyze, in coordination with States, the Action Plan and determine the resources required by States for its implementation; request the Council to identify funding sources for the States for the implementation of the Action Plan; and encourage stakeholders to support States in the implementation of the SP AFI/08 RAN Meeting Recommendations. The proposals made in A37-WP/221, presented by South Africa, are aligned with the recommendations of this Special AFI RAN Meeting; however, some of the proposals have financial implications and, as such, will be reviewed by the Council as part of its ongoing and regular review of the Business Plan.

31.4 The Commission reviewed working paper A37-WP/182, presented by the East African Community (EAC), which provided information on projects and programmes carried out under the ACIP. The Commission agreed to recommend that the Assembly: take note of the EAC regional priority projects and programmes approved by the Council for implementation with the support of ACIP; request Contracting States, partners or donors to support the EAC priority programmes and projects in financial, technical or other areas for their conclusive implementation; and support the continuation of ACIP activities within the work programme of the Regional Offices in Africa.

31.5 The Commission reviewed working paper A37-WP/194, presented by the People's Republic of China, focusing on SP AFI/08 RAN Meeting Recommendation 5/8 – Training strategies for aviation safety in Africa and the second Pan-African Training Coordination Conference held in Cairo, Egypt (22-24 June 2010) to follow up on the AFI RAN Recommendation. Reviewing the information and proposals presented, the Commission agreed that action being taken by ICAO, AFCAC and other partners to address the AFI RAN recommendation on training should continue unhindered as part of the ACIP activities that will continue within the regional office work programme and that the recommendations of the second Pan-African Training Conference should be implemented in close coordination and cooperation with all interested parties. The Commission expressed its satisfaction with the action of the

African Aviation Training Experts Working Group (TEWG), established by AFCAC and ACIP, to take action on Recommendation 5/8 of the SP AFI RAN Meeting and encouraged the TEWG to continue its work in implementing the recommendations of the second Pan-African Training Coordination Conference.

31.6 In light of the discussion, the Commission agreed to submit, for adoption by the Plenary, the following resolution:

Resolution 31/1: Comprehensive Regional Implementation Plan for Aviation Safety in Africa

Whereas ICAO continues to play its leadership role to reduce serious deficiencies in the Africa-Indian Ocean (AFI) Region which are detrimental to the functioning and further development of international civil aviation;

Noting that actions taken by ICAO under the Comprehensive Regional Implementation Plan for Aviation Safety in Africa (the AFI Plan) have begun to demonstrate positive progress in enhancing aviation safety in the continent;

Recognizing that success in fully achieving the objectives of the AFI Plan mainly depends on the efforts made by the African States themselves;

Recognizing that many Contracting States in the AFI Region, despite the efforts they make, would, in the immediate future, require continued technical and/or financial support from ICAO and other stakeholders to comply with the requirements of the Chicago Convention and its Annexes;

Recognizing that many African States cannot, on their own, support an effective and sustainable national safety oversight system and therefore have to be urged and supported to establish regional safety oversight organizations;

Recalling Recommendation 4/5 of the Special Africa-Indian Ocean Regional Air Navigation Meeting (SP AFI/08 RAN) on the establishment of regional accident investigation agencies alongside the development and establishment of regional safety oversight organizations, thus enabling States to meet their international obligations in the area of accident investigation by collaborating and sharing resources;

Noting that ICAO, under its AFI Comprehensive Implementation Programme (ACIP), has begun to support many African States to establish a Regional Safety Oversight Organizations and Regional Accident Investigation Agencies;

Noting the recommendations of the ICAO and AFCAC joint meeting on enhancement of aviation safety in Africa held in N'djamena, Chad on 13 May 2010;

Noting that regional organizations initiated or established in the AFI Region will continue to require ICAO support for the near future and until they are solidly established and self-supporting;

Recognizing the benefit of continuing to coordinate, under the ICAO umbrella, activities of all stakeholders providing assistance to States in the AFI Region;

Recognizing that ICAO will require additional resources to successfully carry out the support it provides to States in the AFI Region;

Noting that strong Regional Offices would be a positive catalyst for the enhancement of aviation safety in the AFI Region;

The Assembly:

1. *Welcomes* the considerable effort made by African States and regional organizations to enhance aviation safety;
2. *Declares* that the implementation of ACIP programme activities will continue within the work programme of the African Regional Offices;
3. *Urges* the Secretary General to ensure that the African Regional Offices are provided with the required personnel and financial resources to ensure the effective continuation of the work programme initiated by ACIP;
4. *Urges* Contracting States of the AFI Region to commit to and accelerate the establishment of regional safety oversight organizations and regional accident investigation agencies, where required, and strengthen cooperation across the region in order to make the optimum use of available resources;
5. *Instructs* the Council to notify States, industry and donors of the priority projects arising from the gap analysis;
6. *Urges* States, industry and donors to implement priority projects identified by the gap analysis, performed in accordance with the Global Aviation Safety Plan (GASP);
7. *Urges* States, industry and donors to make contributions in cash and kind towards the implementation of the AFI Plan and *instructs* the Council to recognize all such contributions;
8. *Urges* African States, ICAO and AFCAC to jointly address deficiencies identified through the safety oversight audits and implement the recommendations made by the ICAO/AFCAC joint meeting on aviation safety in Africa;
9. *Instructs* the Council to monitor the implementation of the recommendations of the joint ICAO/AFCAC meeting on aviation safety in Africa;
10. *Instructs* the Council to ensure a stronger ICAO leadership role in coordinating activities, initiatives and implementation strategies aimed specifically at implementing priority projects to achieve sustainable improvement of flight safety in the AFI Region and to allocate resources to the relevant Regional Offices accordingly;

11. *Instructs* the Council to monitor and measure the status of implementation in the AFI Region throughout the triennium and to report to the next ordinary session of the Assembly on the progress made; and

12. *Declares* that this resolution supersedes Resolution A36-1.

Agenda Item 32: Regional Safety Oversight Organizations (RSOOs)

32.1 The Commission reviewed A37-WP/10, presented by the Council, which highlighted the activities undertaken by the ICAO Implementation Support and Development (ISD) Programme since the 36th Session of the Assembly. These included: assistance to States and regional safety oversight systems and actions in support of the Audit Result Review Board (ARRB) process; the ICAO-endorsed Government Safety Inspector (GSI) training programme; and the sharing and exchange of aviation safety information. The report also highlighted the coordination of assistance efforts by ICAO, the United States Department of Transportation and Federal Aviation Administration, the European Aviation Safety Agency (EASA), the European Commission and the World Bank.

32.2 WP/10 also proposed an Assembly resolution to supersede Resolutions A36-2: *Unified strategy to resolve safety-related deficiencies* and A36-3: *Implementation Support and Development (ISD) Programme – Safety*.

32.3 In A37-WP/166, presented by the African Civil Aviation Commission (AFCAC) on behalf of the fifty-three African States, the importance of establishing RSOOs in the African and Indian Ocean (AFI) Region to help States discharge their safety oversight obligations was stressed. AFCAC fully supported ICAO's efforts to foster the development and sustainability of RSOOs and requested that ICAO continue to work closely with AFCAC toward the improvement of aviation safety in the AFI region. AFCAC encouraged African States to invest in and support RSOOs.

32.4 In A37-WP/169, the East African Community (EAC) Civil Aviation Safety and Security Oversight Agency (CASSOA) provided a brief on their achievements during the period of 2007 through 2010 that, *inter alia*, included collaboration between member States and with the ICAO Eastern and Southern African (ESAF) Regional Office towards strengthening the safety oversight capabilities in the region. The Agency also presented its *Five Year Strategic and Organization Development Plans* that provide for its systematic development. CASSOA invited the Assembly to request ICAO to work with stakeholders to ensure that the support provided is relevant and within the plan(s) of the States and subregional and regional oversight organizations.

32.5 In A37-WP/221, the Commission considered the paper presented by South Africa, which highlighted the regional initiatives of *The Upgrade of Aeronautical Meteorological Services in SADC to satisfy ICAO Requirements*, a project of the Meteorological Association of Southern Africa (MASA) to enhance the safety of air navigation. The paper called for the Commission to support these initiatives and, in particular, the MASA Project. It was proposed that the Assembly request States to cooperate in the formation of RSOOs for the provision of aeronautical meteorological and other aviation-related services and that ICAO establish mechanisms to promote resource mobilization efforts of struggling regions and build partnerships with development agencies.

32.6 With reference to WP/308, paragraph 3.3.1, the Secretary made a statement indicating that ICAO strictly follows the United Nations policy on Cyprus and fully recognizes the sovereignty of the Republic of Cyprus.

32.7 The Commission fully supported the work of the ISD-Safety Programme, particularly in respect to activities for fostering the development and sustainability of RSOOs and the standardization of the training of government safety inspectors, and urged ICAO to continue its efforts to support RSOOs.

32.8 Information papers were provided by Azerbaijan, the Republic of Moldova, Turkey and Ukraine (A37-WP/291); Turkey (A37-WP/308); and L'Union Economique et Monetaire Ouest Africaine (UEMOA) (A37-WP/259).

32.9 In light of the discussion, the Commission agreed to submit, for adoption by the Plenary, the following resolution:

Resolution 32/1: Regional cooperation and assistance to resolve safety-related deficiencies

Whereas a primary objective of the Organization continues to be that of ensuring the safety of international civil aviation worldwide;

Whereas ensuring the safety of international civil aviation is also the responsibility of Contracting States both collectively and individually;

Whereas in accordance with Article 37 of the *Convention on International Civil Aviation* each Contracting State undertakes to collaborate in securing the highest practicable degree of uniformity in regulation, standards, procedures and organization in relation to aircraft, personnel, airports, airways and auxiliary services in all matters in which uniformity will facilitate and improve air navigation;

Whereas the improvement of the safety of international civil aviation on a worldwide basis requires the active collaboration of all stakeholders;

Whereas the Convention and its Annexes provide the legal and operational framework for Contracting States to build a civil aviation safety system based on mutual trust and recognition, requiring that all Contracting States implement the SARPs as far as practicable and adequately perform safety oversight;

Whereas the results of the Universal Safety Oversight Audit Programme (USOAP) indicate that several Contracting States have not yet been able to establish a satisfactory national safety oversight system;

Whereas ICAO plays a leadership role in facilitating the implementation of SARPs and the rectification of safety-related deficiencies;

Whereas the High-level Safety Conference (2010) recommended that States should support ICAO in efforts to foster the development and sustainability of regional safety oversight organizations and should participate and actively support regional safety oversight organizations whenever possible;

Whereas ICAO has a Policy on Regional Cooperation which is committed to render assistance, advice and any other form of support, to the extent possible, in the technical and policy aspects of international civil aviation to Contracting States in carrying out their responsibilities pertaining to the *Convention on International Civil Aviation* and ICAO Strategic Objectives, inter alia by promoting regional cooperation through close partnerships with regional organizations and regional civil aviation bodies;

Recognizing that not all Contracting States have the requisite human, technical and financial resources to adequately perform safety oversight;

Recognizing that the establishment of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations, has great potential to assist States in complying with their obligations under the Chicago Convention through economies of scale and harmonization on a larger scale;

Recognizing that the assistance available to Contracting States experiencing difficulties in correcting deficiencies identified through the safety oversight audits would be greatly enhanced by coordination amongst all Contracting States, ICAO and other concerned parties in civil aviation operations;

The Assembly:

1. *Directs* the Council to promote the concept of regional cooperation for the purpose of enhancing safety and safety oversight, including the establishment of regional safety oversight organizations;

2. *Directs* the Council to continue to partner with Contracting States, industry and other stakeholders for coordinating and facilitating the provision of financial and technical assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations, in order to enhance safety and strengthen safety oversight capabilities;

3. *Directs* the Council to continue the analysis of relevant safety-critical information for determining effective means of providing assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;

4. *Directs* the Council to continue implementing an Implementation Support and Development – Safety (ISD-Safety) Programme to provide assistance to States and subregional and regional safety and safety oversight bodies, including regional safety oversight organizations;

5. *Urges* Contracting States to develop and further strengthen regional and sub-regional cooperation in order to promote the highest degree of aviation safety;

6. *Encourages* Contracting States to foster the creation of regional or sub-regional partnerships to collaborate in the development of solutions to common problems to build State safety oversight capability, and to participate in, or provide tangible support for, the strengthening and furtherance of subregional and regional aviation safety and safety oversight bodies, including regional safety oversight organizations;

7. *Encourages* Contracting States to establish partnerships with other States, industry, air navigation service providers, financial institutions and other stakeholders to strengthen safety oversight capabilities, in order to better discharge State responsibilities and foster a safer international civil aviation system;

8. *Requests* the Council to report to the next ordinary session of the Assembly on the overall implementation of the Programme; and

9. *Declares* that this resolution supersedes Resolutions A36-2 and A36-3.

Agenda Item 33: Halon replacement

33.1 The Commission reviewed A37-WP/67, presented by the Council, containing a progress report on the development of alternatives to halogenated hydrocarbon (halon) for use in civil aviation aircraft fire protection systems. The paper included a proposed Assembly resolution, to supersede Resolution A36-12 — *Halon replacement*, on continuing progress towards development of viable halon replacements in civil aviation fire extinguishing systems. The resolution featured progressive timeframes mandating halon replacement in civil aircraft lavatory, hand-held fire extinguishers and engine and auxiliary power unit (APU) fire extinguishing systems. The importance of further development of suitable halon replacement agents for the cargo compartment fire extinguishing suppression system was emphasized and States were encouraged to advise users of recycled halon to ensure that the halon in their possession conformed to a recognized international or State performance standard. Finally, the resolution invited States to inform ICAO of their halon reserves so that a report may be presented at the next ordinary session of the Assembly.

33.2 During the discussions, strong support was voiced for strict adherence to the timeframes specified in the draft Assembly resolution. In addition, the Commission called on States to inform ICAO regularly of their halon reserves.

33.3 An information paper (A37-WP/197) was provided by the International Coordinating Council of Aerospace Industries Associations (ICCAIA).

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

Resolution 33/1: Halon replacement

Whereas halons contribute to climate change and are no longer being produced by international agreement because they are ozone-depleting chemicals, and have been used as fire-extinguishing agents in commercial transport aircraft for 45 years;

Recognizing that more needs to be done because the available halon supplies are dwindling and that the environmental community continues to be concerned that halon alternatives have not been developed for all fire extinguishing systems in civil aircraft;

Recognizing that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

Recognizing that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

Recognizing that the production and import/export of halon is prohibited by international agreement, thus halon is mainly available by recycling existing supplies. Thus recycling of halon gas needs to be rigorously controlled to prevent the possibility of contaminated halon being supplied to the aviation industry.

Recognizing that any strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing; and

Recognizing that while halon alternatives for lavatories are available, and that progress has been made in the development of halon alternatives in hand-held fire extinguishers, more work is needed in the development of halon alternatives for cargo compartment and engine/auxiliary power unit fire extinguishing systems, and that regular reviews are necessary to evaluate and understand the implication of potential halon alternatives on the industry and the environment.

The Assembly:

1. *Agrees* with the urgency of the need to continue developing and implementing halon alternatives for civil aviation;
2. *Urges* States to intensify development of acceptable halon alternatives for fire extinguishing systems in cargo compartments and engine/auxiliary power units, and to continue work towards improving halon alternatives for hand-held fire extinguishers;
3. *Directs* the Council to establish a mandate for the replacement of halon:
 - in lavatory fire extinguishing systems used in aircraft produced after a specified date in the 2011 timeframe;
 - in hand-held fire extinguishers used in aircraft produced after a specified date in the 2016 timeframe; and
 - in engine and auxiliary power unit fire extinguishing systems used in aircraft for which application for type certification will be submitted after a specified date in the 2014 timeframe.
4. *Directs* the Council to conduct regular reviews of the status of potential halon alternatives to support the agreed upon implementation dates given the evolving situation regarding the suitability of potential halon alternative agents as they continue to be identified, tested, certified and implemented;
5. *Urges* States to advise their aircraft manufacturers, approved maintenance organizations, air operators, chemical suppliers, and fire-extinguishing companies to verify the quality of halon in their possession or provided by suppliers through effective testing or certification to an international or State recognized quality standard. States are also urged to require that the quality systems of air operators, approved maintenance organizations, and manufacturers provide a means for requesting from halon suppliers certification documentation attesting to the quality of halon to an established and recognized international standard;

6. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's (UNEP) Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon alternatives for civil aviation;

7. *Urges* States to inform ICAO regularly of their halon reserves and directs the Secretary General to report the results to the Council. Further, the Council is directed to report on the status of halon reserves at the next ordinary session of the Assembly;

8. *Resolves* that the Council shall report to the next ordinary session of the Assembly on progress made developing halon alternatives for cargo compartments and engine/auxiliary power unit fire extinguishing systems as well as the status of halon alternatives for hand-held fire extinguishers; and

9. *Declares* that this resolution supersedes Resolution A36-12.

— END —