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ASSEMBLY — 37TH SESSION

REPORT OF THE TECHNICAL COMMISSION ON AGENDA ITEM 46

(Presented by the Chairman of the Technical Commission)

The attached report on Agenda Item 46 has been approved by the Technical Commission.

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

(8 pages)

Agenda Item 46: Other issues to be considered by the Technical Commission

46.1 The Commission considered A37-WP/131, presented by the Council, on ICAO's leading efforts on global volcanic ash (VA) warnings and avoidance. The paper highlighted the role of ICAO to addressing the threat of volcanic ash cloud to aviation and recognized the importance of the International Airways Volcano Watch Operations Group (IAVWOPSG) overseeing the International Airways Volcano Watch (IAVW) and singled out, as a major milestone, the designation of nine volcanic ash advisory centres (VAACs) to detect, track and forecast the movement of VA clouds.

46.2 The paper indicated that during the Icelandic eruption in April 2010, experimental thresholds of VA concentrations had been introduced with the agreement of the stakeholders, permitting resumption of operations in some areas contaminated by VA. In order to consider the use of these experimental thresholds, ICAO had established a European/North Atlantic Volcanic Ash Task Force which had formalized the regional use of the experimental thresholds by including them in the *Volcanic Ash Contingency Plan – EUR and NAT Regions*. In parallel, ICAO had established an International Volcanic Ash Task Force (IVATF) to develop a global safety risk management framework which would make it possible to determine safe levels of VA concentrations for operations in airspace contaminated by VA. The paper emphasized that the approach taken by the EUR/NAT Regions based on the use of ash concentration thresholds was under validation and assessment by the IVATF and that it was premature to speculate whether such an approach could be applied globally within the IAVW.

46.3 A37-WP/199, presented by Belgium, on behalf of the European Union and its Member States, by the other States Members of the European Civil Aviation Conference, and by Eurocontrol, endorsed the need to review the provisions in Annex 3 — *Meteorological Service for International Air Navigation* in the light of identified improvement to VAAC products; it also called for ICAO to encourage the IVATF to take account of the ongoing work of the manufacturers on ash tolerance levels.

46.4 The paper, based on the experience from the Eyjafjallajokull eruption, supported the integration of relevant meteorological information into systems for flight planning and air traffic flow management, and highlighted the importance for ICAO to consider further the benefits of a coordinated network management approach in the context of the ICAO Global Air Navigation Plan.

46.5 One delegate mentioned that a mobile radar was being deployed to Iceland to monitor any volcanic eruption and resulting ash cloud until a permanent radar could be installed and wished to thank Italy and Iceland for this installation. Another delegate raised the need for direct relations between the forecast centres and the offices that issue SIGMETs, and the importance for ICAO to establish a more direct link with WMO and its work.

46.6 The Commission acknowledged that the issues raised were multidisciplinary and complex, and that considerable efforts were required by all the stakeholders to address these challenges. It was agreed that ICAO should maintain a leading role in continuing the development of the IAVW and in coordinating the efforts to progress VA-related issues being addressed by the IVATF and IAVWOPSG.

46.7 Information papers were also provided by the United States (A37-WP/226) and IATA (A37-WP/231).

46.8 The Commission considered A37-WP/177, presented by the United Arab Emirates, recommending that States should implement subregional search and rescue (SAR) services to strengthen the global SAR system. It also recommended that ICAO support States in their efforts to facilitate and coordinate restructured SAR services along subregional lines through the establishment of a global SAR project with a mandate to educate and encourage States to establish subregional SAR services. While the Commission supported the proposals in principle, the items were not in the currently funded ICAO work programme and would be referred to the Council for further review.

46.9 The Commission considered A37-WP/147, presented by the United States, which urged ICAO to develop a volunteer task force to examine the role of ICAO in emergency preparedness and response and to assist Member States to develop an emergency preparedness and response training programme. The resolution encouraged ICAO to review relevant material in Annex 11 — *Air Traffic Services* for relevance to other Annexes and for States to work together to develop response plans to ensure timely and well-coordinated actions during times of emergency.

46.10 A37-WP/200, presented by Colombia, considered the role of civil aviation in relation to natural disasters. Its focus, however, was on incorporation of principles of a disaster response plan being placed in the Global Air Navigation Plan and the regional navigation plans.

46.11 The Commission voiced support for ICAO maintaining a central role in what was recognized as a core function of the Organization. The Commission also recognized that, while more detailed contingency measures to cope with a wider variety of events would be an ideal solution, it was also stressed that attempting to address every eventuality in contingency plans would be challenging and, more importantly, would require funding that was currently not available. Nevertheless, the Commission agreed that the ICAO Council should review these requirements in the context of funds becoming available and that the contents of the two papers should be brought to the attention of the ICAO planning and implementation regional groups (PIRGs) through the Council.

46.12 The Commission considered A37-WP/130, presented by the Republic of Korea, which discussed the handling of States' comments on the draft Final Report of an aircraft accident investigation after it was circulated to the relevant States for comments as per Annex 13 — *Aircraft Accident and Incident Investigation*, paragraph 6.3. To this end, the paper proposed that “if the State conducting the investigation receives comments, it shall either amend the draft Final Report to include the substance of the comments, or in the case where there is no agreement, append the comments to the Final Report.” The paper suggested that comments of a technical nature and related to safety recommendations, if appended, may be treated as not being important and thus disregarded. The paper called for ICAO to develop new mechanisms aimed at resolving issues due to such cases of no agreement.

46.13 The Commission did not agree with the proposal and instead noted that existing Annex 13 provisions properly address the necessary coordination among States. In the case of safety recommendations, delegates commented that States receiving these carefully considered the impact of implementing such safety recommendations and may deem them impractical to implement. The Commission acknowledged that recently amended provisions in Annex 13 for processing safety recommendations, as amended during the last AIG Divisional Meeting in 2008, were adequate.

46.14 The Commission considered A37-WP/125, presented by the Republic of Korea, which proposed that ICAO should establish requirements for portable electronic devices (PEDs), as well as guidance material for harmonization of the regulations regarding the use of the PEDs. The paper noted a

growing concern about the electromagnetic interference generated in aircraft systems by PEDs when used by passengers.

46.15 While the Commission noted that technical specifications for testing criteria had been developed to determine PED immunity of the airframe and avionics, and that the European Aviation Safety Agency (EASA) and some States provided for PED use on certain aircraft, it would be difficult for ICAO to regulate or impose technical standardization on devices brought on-board aircraft. In noting that operational procedures would continue to be the basis for mitigation against improper use, the Commission concluded the discussion in acknowledging that the task was extensive and further determination on funding would have to be addressed to the Council as part of the ongoing review of the Business Plan.

46.16 The Republic of Korea presented A37-WP/219, which described actions taken nationally to address safety issues arising from the large number of unmanned aircraft systems (UAS) operating within their airspace. The working paper drew attention to the fact that there were currently no international standards and agreed practices for UAS flight operations, and that individual States were therefore developing national regulatory frameworks at their discretion. It recommended that ICAO include development of a regulatory framework for UAS in order to support all States facing this new safety issue.

46.17 Several delegates supported the paper, noting that UAS needed a regulatory framework. The Secretary informed the Commission that the Unmanned Aircraft Systems Study Group (UASSG) had been established in 2007 and was developing a regulatory framework; however, this activity was outside the regular programme budget and was unfunded. The group had developed the *Unmanned Aircraft Systems (UAS)* (Circ 328), a final draft of which had been posted on the ICAO-NET, in time for the 37th Session of the Assembly. The Commission noted however, that a circular is not a binding document and that Standards are needed and should be developed as a matter of urgency to support the regulatory framework of States and to support the safe integration of UAS into non-segregated airspace. As significant work was being done by many States, the Commission was encouraged to support ICAO through submission of available material and through voluntary contributions.

46.18 The Commission considered A37-WP/266, presented by the Russian Federation, inviting the Council to study the possibility of using alternative means of reporting the position of aircraft in distress instead of automatic emergency locator transmitters (ELTs) for general aviation and, if necessary, the development of an amendment to Annex 6 — *Operation of Aircraft*. Both International Council of Aircraft Owner and Pilot Associations (IAOPA) and the Interstate Aviation Committee (IAC) expressed their support for this work.

46.19 The Commission noted that ICAO was addressing the means of providing position data of either the aircraft or wreckage via ELTs fitted to deployable flight recorders, or having the position data included in messages from either continuous or triggered transmissions of flight data. The Commission noted that the Experts Working Group of COSPAS-SARSAT was currently tasked with developing the functionality and specifications for new generation ELTs.

46.20 The paper urged ICAO to review ELT carriage requirements in the light of experience of ELT reliability in accidents. The Commission agreed there was a need to review performance of ELTs, and this review should encompass a consideration of any viable alternatives. It was stressed however, that before alternatives are considered, performance-based criteria must be established. Again, this had no

specific funding for the coming triennium and the Council would review this as part of its ongoing review of the Business Plan, noting that the Experts Working Group of COSPAS-SARSAT was progressing the issue. The Commission also noted that the Secretary would suggest that International Council of Aircraft Owner and Pilot Associations (IAOPA) should be allowed to participate in the work of the Experts Working Group.

46.21 The Commission considered A37-WP/268, also presented by the Russian Federation, requesting the Council to initiate work of ICAO on the development of provisions and guidance material for vortex-related separation minima and that the ICAO Wake Turbulence Study Group (WTSG) should be directed to study the issue of developing guidelines for certifying aircraft. An ICAO database for incidents involving trailing vortex turbulence should also be established.

46.22 The Commission noted that the database proposed, as well as the additional items that were proposed to be added to the WTSG's work programme, were unfunded. The Commission also noted that the WTSG was convening its first meeting in November 2010 and that the Russian Federation had a nominated member on that group. The Commission agreed that the working paper should be referred to the Council for further dissemination in the knowledge that it may further the existing work of the Study Group.

46.23 The Commission considered A37-WP/273, presented by the Russian Federation, which called upon ICAO to collect, analyse and disseminate timely information about foreign operator inspection practices around the world with a view to harmonizing requirements on ramp inspection programmes. The paper also recommended that the Council draw up principles to prevent the improper use of information obtained by States from the inspections of foreign aircraft. The Commission also recalled the importance of taking action to safeguard safety where the results of ramp inspections indicate non-compliance with international safety Standards. Support was expressed by several delegates and the work would be referred to the Council.

46.24 In agreeing that the proposal in A37-WP/273 related directly to the code of conduct concerning the sharing of safety information, the Commission recommended that the Council refer this to the working group tasked with the development of the code of conduct for further consideration.

46.25 The Commission reviewed A37-WP/89, presented by Colombia, which proposed the development of global strategic guidance and planning manuals for multi-modal transport traffic management (MTTM) based on the development of GNSS navigation systems and promoting coordination between international bodies, including ICAO and the International Committee on Global Navigation Satellite Systems (ICG) of the United Nations. The Commission noted that the subject had significant merit and while it was outside the scope of ICAO, the Organization would address the aviation aspects of MTTM through its panels and prepare necessary provisions and guidance material. ICAO would also coordinate with relevant international organizations such as ICG, as it does in many other areas.

46.26 The Commission reviewed A37-WP/163, presented by Colombia, which emphasized the need for common operational objectives in the development of mitigating measures, based on safety cases applicable for aerodromes. In this regard, the paper requested ICAO to update guidelines and establish a methodology for uniform application in the evaluation of safety cases, their metrics and their shared use amongst States. The Commission noted the work currently undertaken by ICAO, which was supported by Airports Council International (ACI) in developing a *Procedures for Air Navigation Services (PANS)* –

Aerodromes document which will address procedures for aerodrome operational management, including the methodology for conducting aeronautical studies/safety cases and procedures for their evaluation.

46.27 An information paper was also provided by the Interstate Aviation Committee (A37-WP/88).

46.28 Colombia presented A36-WP/175, containing a proposal for ICAO to develop guidance material for the creation of portals or other methods of information sharing and for States to allow access to databases with up-to-date information for purposes of confirming the validity of certificates and licenses. Emphasis was placed on the importance of sharing all necessary information to improve safety. The Commission agreed that this would be an important input to be considered by the multidisciplinary task force on the sharing of safety information (agenda item 25 refers).

46.29 The Commission supported the expansion of ICAO's information sharing systems in the interest of safety and recalled that ICAO had recently established a new unit dedicated to developing computer-based State safety tools. This unit was presently developing a single system to provide access to databases containing information from State aircraft registries, air operator certificates (AOC) and the operations specifications associated with each AOC. The Commission agreed that given the additional resources required to expand ICAO's information sharing efforts and the wide range of information needed, prioritization by the Council would be required.

46.30 The Commission reviewed A37-WP/83, presented by the Interstate Aviation Committee, which proposed the need for the certification of aerodrome and en-route equipment as an effective measure for ensuring compliance with ICAO SARPs. The paper indicated that while Annex 14 — *Aerodromes* contains provisions concerning certification of aerodromes, there were no similar provisions in other ICAO Annexes, such Annex 3 — *Meteorological Service for International Air Navigation* and Annex 10 — *Aeronautical Telecommunications*, on certification of aerodrome and en-route equipment. The Commission agreed that the proposal be referred to the Council for consideration in the overall context of tasks to be accomplished.

46.31 An information paper was also provided by India (A37-WP/87).

46.32 The Commission reviewed A37-WP/213, presented by the Libyan Arab Jamahiriya and the Member States of the Arab Civil Aviation Commission, concerning the inclusion of medical personnel in the crew of international flights.

46.33 It was noted that although the majority of flight diversions were due to medical causes it was unclear how many diversions could be prevented by having a physician on-board. The Commission was informed that most cases of communicable disease were asymptomatic at the time of travel and that a medical escort should accompany, if necessary, a traveller known to have a medical condition. Despite the apparent increase in the number of elderly and frail passengers in recent years, there was no data to suggest the rate of medical diversions had increased. The proposal was not supported.

46.34 The Commission considered A37-WP/78, presented by the United States, requesting ICAO to undertake a review of SARPs to address the issue of mandatory continuing airworthiness information containing sensitive security information. Of particular concern was sensitive security information regarding design vulnerabilities of aircraft. The paper sought consensus on the protection and proper means of communication of this information from one authority to another.

46.35 The Commission supported the proposal in principle, although concerns were expressed that if the distribution of such mandatory airworthiness requirements were to be limited, it might not be available to all operators and flight crew members that may need the information. Another delegate indicated that all safety aspects need to be taken into account, given the existing complex circulation of continuing airworthiness information. One observer delegate mentioned the need to carefully define what security sensitive information means in order not to hinder the distribution of airworthiness information, to the detriment of safety. The Commission agreed that this topic required further study and that the subject should be referred to the ICAO Council for appropriate tasking.

46.36 The Commission reviewed A37-WP/230, presented by the International Transport Workers' Federation (ITF), concerning the flight safety impact of in-flight exposure to oil fumes. The presentation of the paper suggested that States should be requested to review the literature and to ensure crewmembers were educated about toxic engine bleed air events, including the necessity of reporting such events through the safety management systems of the aircraft operator. Two delegates supported the concepts introduced in the paper.

46.37 Several delegates did not support the paper and its resolution, noting that exposure to oil fumes was one of many hazards and that systems are already in place, mandatory and voluntary, to facilitate the reporting and analysis of flight safety events, including safety management systems. Additional measures specific to fume events were therefore not required, although continuing research and consideration on the subject was supported.

46.38 The Commission considered A37-WP/135, presented by the Arab Civil Aviation Commission (ACAC), which proposed the lifting of restrictions on the purchase or the use of aircraft and spare parts because of the threat such restrictions impose on aviation safety. The Commission noted that the subject was a complex, delicate and sensitive issue which had a number of implications rather than safety alone. The issue generated strong views on each side, but it was also one which the Commission could not resolve. The Commission also noted that a similar paper (A37-WP/312 (EC/27)) had been presented by Cuba to the Economic Commission. It had been decided that the Chairperson of that Commission would bring that matter, including the views expressed in the Economic Commission and the concerns expressed by Cuba and others over the lack of progress, to the attention of the President of the Council, whose "good offices" had been involved in this issue on previous occasions. The Technical Commission noted this information and agreed to also refer this delicate issue to the attention of the President of the Council.

46.39 In the context of the numerous papers presented to the Technical Commission that proposed work programme items that were currently unfunded, the Secretary emphasized the importance to the Organization of the establishment of the Safety (SAFE) Fund by the ICAO Council (A37-WP/239 (AD/17)). This fund had the objective of improving the safety of civil aviation through the use of a performance-based approach to the provision of assistance. The mechanism would limit administrative costs while ensuring that voluntary contributions to the Fund are used in a responsible, useful and timely manner. The Secretary further urged all Contracting States, international organizations and public and private parties associated with international civil aviation to make voluntary contributions to SAFE.

46.40 Information papers were also provided by India (A37-WP/91 and A37-WP/133), the Russian Federation (A37-WP/205) and Venezuela (A37-WP/204).

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