

ASSEMBLY — 35TH SESSION

EXECUTIVE COMMITTEE

Agenda Item 17: Enhancement of ICAO Standards

ENHANCEMENT OF ICAO STANDARDS

SUMMARY

This working paper presents the measures that have been taken and that are planned to improve the development and adoption process of SARPs as well as the mechanism for collecting and publishing differences in furtherance of Assembly Resolutions A33-3: *Increasing the effectiveness of ICAO (to face new challenges)* and A32-1: *Increasing the effectiveness of ICAO (measures for continuing improvement in the 1999-2001 triennium and beyond)*. Action by the Assembly is in paragraph 5.

REFERENCES

Doc 9790, *Assembly Resolutions in Force* (as of 5 October 2001)
Doc 7300, *Convention on International Civil Aviation*

1. INTRODUCTION

1.1 Assembly Resolution A33-3: *Increasing the effectiveness of ICAO (to face new challenges)* directed the Council to seek ways to shorten the process for the approval and adoption of Standards and Recommended Practices (SARPs) considered of key importance for the safety and security of civil aviation, whenever deemed necessary. This report from the Council presents the practical experience that has been gained with the measures already implemented as the result of previous Assembly decisions and presents additional measures that the Council and Air Navigation Commission will implement, not only to shorten the process for the approval and adoption of SARPs, but also to further improve the content of ICAO Standards and Recommended Practices.

2. REPORT ON THE IMPLEMENTATION OF EXISTING MEASURES

2.1 The enhancement of the content of ICAO SARPs and the way they are developed and reviewed has been discussed on several occasions by the executive bodies of the Organization during the last

decade and, as a result, some significant changes were introduced by the 32nd Assembly in 1998 and refined at the subsequent Assembly in 2001. The most salient points, as reflected in Appendix A to Resolution A33-14 were:

- a) that SARPs for complex aeronautical systems shall consist mainly of broad, mature and stable provisions specifying system-level, functional and performance requirements. For such systems, any necessary detailed technical specifications shall be appendices to Annexes or be placed in separate documents;
- b) that ICAO should utilize to the maximum extent appropriate and subject to the adequacy of a verification and validation process, the work of other recognized standards-making organizations; and
- c) the authority given to the Council to act on amendment of detailed technical specifications for complex systems without consultation with States subject to the adequacy of the verification and validation process.

2.2 These measures drew on previous ICAO experience and in particular on the restructuring of Annex 8 — *Airworthiness of Aircraft* which took place in the mid-70's with the objective of stating only high-level requirements in the Annex. Similarly, in the early 80's, when a decision was made to establish SARPs on the Safe Transportation of Dangerous Goods by Air, it was agreed that the new Annex 18 — *The Safe Transport of Dangerous Goods by Air* would contain only high-level and stable requirements that would be complemented by Technical Instructions.

2.3 The experience with these new measures has been generally positive. The restructuring of Annex 10 — *Aeronautical Telecommunications*, to ensure that the main body of the Annex only contains broad provisions is well underway. The Council has also adopted (C-DEC 171/5), earlier this year, an amendment to Annex 3 — *Meteorological Service for International Air Navigation* that includes a similar restructuring. To further improve the process, a proposal to modify the language of Assembly Resolution A33-14, Appendix A, Clause 3 in support of restructuring is presented to this Assembly in a separate paper.

2.4 The procedure allowing the adoption of detailed technical specifications for complex systems subject to the adequacy of the verification and validation process has been used for the first time, with positive results, for the global navigation satellite system (GNSS) specifications contained in Appendix B to Annex 10 — *Aeronautical Telecommunications*, Volume I — *Radio Navigation Aids*. The utilization of the work of other recognized standards-making organizations has proved to be more complex for several reasons, such as the status of the material, the frequency of updating, the scope, the intended target population, the language-related aspects and the level of involvement of ICAO in their deliberations.

2.5 Another aspect of the ICAO SARPs development process that has been allowed by ICAO policy for a considerable amount of time but that was used for the first time during the past triennium is the so-called “fast-track procedure” whereby Council acts on proposals for the amendment of SARPs without consultation with States when it deems that urgent action is necessary (Resolution A33-14, Appendix A, Resolving Clause 6). The new measures in Annex 6 — *Operation of Aircraft, Part I — International Commercial Air Transport — Aeroplanes* concerning cockpit door security, were adopted following that procedure, in keeping with Assembly Resolution A33-3. This amendment confirmed that the fast-track procedure was a useful tool in exceptional circumstances and that it was workable, recognizing the potential

negative impact that lack of formal consultation with States could have on the quality of the final product. Building on this experience, the Council (C-DEC 166/12) subsequently approved guidelines on the subject which were circulated through a memorandum from the President of the Council (PRES AK/856) dated 18 December 2002. One of the salient points of these guidelines is that the fast-track procedure should only be used in exceptional circumstances and when the Council deems that urgent action is necessary.

3. NEW MEASURES

3.1 The Council, with the assistance of the Air Navigation Commission, has made a detailed review of the SARPs development process and has identified several areas where improvements can be made. These measures, that are described hereafter, are incremental in nature because only limited new avenues for improvement exist in view of the previous efforts of the Organization on the subject. One common thread of most of the measures is better reliance on electronic means for formal communication with States. This is in line with Assembly Resolution A31-2 that invites the Secretary General to improve and speed up communications with Contracting States, particularly as they relate to Standards and Recommended Practices, including more widespread use of electronic transmission (Resolving Clause 5 and Appendix).

3.2 **Faster consultation with States due to better communication**

3.2.1 The use of electronic means of communication between ICAO and Contracting States could shorten the consultation process by five to six weeks while upholding the requirements of Assembly Resolution A33-14 that States be given three months for comments on proposed amendments to Annexes. ICAO recognizes that there are still a few States which do not have reliable access to electronic communication but notes that the States that traditionally need a longer consultation period are those that do have the facilities to handle electronic communication efficiently. To facilitate electronic communication with ICAO, States that have not already done so are encouraged to provide ICAO with a discrete electronic address.

3.3 **Faster establishment of ANC Panels**

3.3.1 The establishment of an Air Navigation Commission Panel is another area where changes in procedures could speed up the development process of SARPs. The Commission agreed on changes of procedures that could reduce the time necessary to establish a panel by nine to twenty-four weeks. The changes are based on the use of electronic communication with States and on procedural improvements.

3.4 **Restructuring of Annexes**

3.4.1 The restructuring of Annexes to ensure that they consist mainly of broad, mature and stable provisions specifying system-level, functional and performance requirements has been largely limited to Annexes 3, 8 and 10; however, it should be recognized that several other Annexes have traditionally contained only high-level provisions. The Air Navigation Commission has identified Annex 1 — *Personnel Licensing*, Annex 4 — *Aeronautical Charts* and Annex 6 as Annexes where the concept can be further implemented. To ensure that restructuring does not have negative safety implications, the Commission will review its guidelines for the development of SARPs.

3.5 **More efficient collection and publication of differences**

3.5.1 Article 38 of the Convention requires the Council to make immediate notification to all other States of the differences which exist between one or more features of an international Standard and the corresponding national practice of that State. However, delays are frequent in the publication of differences because of the significant workload required to compile the differences, resolve any inconsistency that may exist, and prepare the supplement. The situation is also compounded by the significant increase of the number of notified differences that have been generated by the audits conducted under the ICAO Universal Safety Oversight Audit Programme (USOAP).

3.5.2 ICAO is considering the establishment of a system that will allow the notification on-line of differences by Contracting States and their publication on-line by ICAO via the ICAONet. Such on-line publication of differences would allow for their timely publication as required by the Convention and would reduce considerably the Secretariat workload associated with this task. The system should also facilitate the notification of differences by Contracting States as it would be integrated with the compliance check-list that States have to complete under USOAP.

3.6 **Longer term measures**

3.6.1 In view of the active scrutiny that the development and adoption process of ICAO SARPs has received for several years, any further attempts to improve significantly the ICAO standard-making process may require different approaches. In particular, there would be a need to look at the role and composition of panels and study groups and assess whether alternative and more effective methods could be devised. The Commission will undertake such a review that would also investigate the extent to which the new methods of rule making implemented by States may be applicable in the ICAO context.

4. **FINANCIAL IMPACT**

4.1 There are no direct budgetary implications.

5. **ACTION BY THE ASSEMBLY**

The Assembly is invited to note the information contained in this report.