



INTERNATIONAL CIVIL AVIATION ORGANIZATION

A35-WP/305
TE/53
5/10/04

ASSEMBLY — 35TH SESSION

DRAFT TEXT FOR THE REPORT ON AGENDA ITEMS 24, 24.1, 24.2, 24.3, 25 AND 26

The attached material on Agenda Items 24, 24.1, 24.2, 24.3, 25 and 26 is submitted for consideration by the Technical Commission.

Agenda Item 24: ICAO Global Aviation Safety Plan (GASP)

24:1 Progress report on GASP

24:1.1 The Commission reviewed A35-WP/51, containing a progress report on the development of GASP which was submitted in accordance with Assembly Resolution A33-16. The Commission considered that the action by the Assembly should include the most significant items listed in paragraph 3.6.1 of the revised GASP document (2004) attached to WP/51. Accordingly, the Commission took the following action:

- a) noted the progress report on the ICAO Global Aviation Safety Plan (GASP) contained in A35-WP/51 and the updated version of the GASP document attached;
- b) noted that the most significant safety issues that had been identified through an analysis of recent accident trends were CFIT, loss of control and technical failure; and
- c) urged States to support ICAO's efforts in accomplishing GASP objectives and tasks.

24:1.2 During discussion of A35-WP/116 (Russian Federation) concerning the use of flight recorder data, a view was expressed that the rapid development of software to manage Flight Data Analysis (FDA) programmes could make a requirement for ICAO to develop a model for such programmes premature. Another view was expressed that lowering the mass limits for aircraft required to operate such programmes would have an economic impact. In the light of the discussion on the subject, the Commission agreed:

- a) that ICAO develop guidance material for Flight Data Analysis (FDA) programmes, taking into account that such programmes shall be non-punitive; and
- b) ICAO examine the feasibility of lowering the mass limit for aircraft to be required to be covered by FDA programmes.

24:1.3 In the discussion of A35-WP/144 (France), on the taking into account of the evolution of specifications concerning flight data recording systems, the Secretary, while supporting the effectiveness of flight recorders for accident investigation purposes, indicated that a lack of resources had resulted in the Flight Recorder Panel being dormant in recent years, but that recruitment activity underway should make it possible to address this issue in the near future. A delegate explained that considerable work had already been done by industry groups on new flight recorder specifications. In view of the long lead time required for new flight recorder provisions, it was considered important that work start on this task as soon as possible.

24:1.4 In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution.

**RESOLUTION FRAMED BY THE TECHNICAL COMMISSION AND
RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 24/1

**Taking due account of the evolution of specifications
concerning flight data recording systems**

Considering that the primary objective of the Organization is to ensure the safety of international civil aviation worldwide;

Considering that the establishment of international Standards contributes to this objective;

Recognizing the importance for safety of flight data recorders; and

Recognizing the need to develop specifications for these systems;

The Assembly:

1. *Directs* the Council to resume work on flight recorders as soon as possible and to give priority to problems arising from the search and recovery of these systems, obsolescence, the insufficient number of recorded parameters, and the need to prescribe image recording of the cockpit; and
2. *Requests* the Council to report to the next session of the Assembly on the implementation of the present resolution.

24:1.5 The meeting was presented with A35-WP/157 by the European Civil Aviation Conference which proposed that ICAO should establish a standardized global model for the implementation of safety management systems and that informal focus groups could be useful resources for development of recommendations toward the achievement of global harmonization in the development of ICAO provisions for the uniform application of ATM safety management. The Commission recalled Recommendations 2/1 and 2/2 of the Eleventh Air Navigation Conference which addressed the need for establishment of a framework for system safety and implementation of ATS safety management programmes respectively, noting that ICAO was pursuing the work required through several panels of the Air Navigation Commission and the Secretariat. It was also noted that the Secretariat had established an internal project team to pursue harmonization of ICAO provisions related to safety management. The Commission agreed that ICAO should make recommendations for the achievement of global harmonization in the uniform application of ICAO provisions for ATM safety management and that informal regional groups should be encouraged to carry out complementary work, the results of which may prove valuable to ICAO in its work. It was also agreed that, as the work of ICAO and such informal groups matured, it may be appropriate to convene a global forum to adopt a standardized safety management model for States to use in the implementation of safety management systems.

24:1.6 The meeting was presented with A35-WP/165 by IFALPA, which expressed the views that flight level assignment procedures should be harmonized, and urged world-wide adoption of the Table of Cruising Levels contained in ICAO Annex 2 — *Rules of the Air*, Appendix 3. The Commission recalled that the Eleventh Air Navigation Conference had addressed the issue noting, particularly, the difficulties encountered at the interface between airspaces where different units of measurement were used and that some States used metric tables of cruising levels that were different from the ICAO table contained in Annex 2. It was noted that the conference had agreed to a recommendation (4/9) encouraging States to apply a common cruising level structure in accordance with the tables of cruising levels expressed in metres or feet, as outlined in Annex 2, and that ICAO had already taken action to inform States of the recommendation. The Commission was also informed that the Air Navigation Commission, when reviewing Recommendation 4/10 of the Eleventh Air Navigation Conference, which encouraged ICAO to continue to study the common cruising levels structure, had decided that no further action should be taken, as there was no significant safety concern that would justify continuing efforts. The Commission agreed to the importance of the issue and that it would be in the best interests of safety and efficiency if all States applied a common cruising level structure in accordance with the tables of cruising levels expressed in metres or feet, as outlined in Annex 2. With respect to the need to move toward a single unit of altitude measurement, the Commission recognized that this remained a long-term objective of ICAO, but that no progress could be expected in the foreseeable future. In view of potential related safety aspects, the Commission felt that the matter should be further pursued when circumstances permit.

24:1.7 In the discussion of A35-WP/192 (IATA) concerning safety data collection and sharing, it was explained that reference to incident reports included reports from flight crew, cabin crew and other possible reporters. While recognizing that the Council would need to consider resource issues, the Commission agreed to direct the Council to:

- a) develop provisions for the exchange of safety information derived from incident data amongst safety organizations, that ameliorate concerns over confidentiality and punitive action; and
- b) expand the safety data management scope of ICAO so that incident and contributing factor trend analysis is used proactively to understand and better manage threats to aviation operational safety.

24:1.8 The Commission noted A35-WP/239 by Islamic Republic of Iran on “Weight and balance provisions and data in accident and incident reports and ADREP summaries”.

Agenda Item 24: ICAO Global Aviation Safety Plan (GASP)
24.1: Protection of sources and free flow of safety information

24.1:1 Protection of sources and free flow of safety information

24.1:1.1 The Commission considered A35-WP/52, which presented a draft Assembly Resolution on the protection of voluntarily submitted safety-related information. It will be recalled that a number of initiatives within the international civil aviation community had attempted to address the protection of sources of safety information, including information from accident and incident investigations and safety data collection systems, from inappropriate use. Efforts to ensure the protection of safety information must strike a very delicate balance of interests between the need to protect safety information, and the responsibility to administer justice. During the discussion, a view was expressed that it was important to protect not only voluntarily submitted safety information, but also all other safety information. A view was also expressed that it was important to distinguish between the levels of protection to be afforded, i.e. not all safety information could be afforded the same degree of protection. Another view was expressed underlining the sensitive nature of the issue and supporting the balanced approach contained in A35-WP/52.

24.1:1.2 In light of the discussion, the Commission agreed to submit, for adoption by the Plenary the following resolution:

**RESOLUTION FRAMED BY THE TECHNICAL COMMISSION AND
RECOMMENDED FOR ADOPTION BY THE ASSEMBLY**

Resolution 24/xx

**Protecting information from safety data collection systems
in order to improve aviation safety**

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

Recognizing the importance of the free communication of safety information amongst the stakeholders of the aviation system;

Recognizing that the protection of safety information from inappropriate use is essential to ensure the continued availability of all relevant safety information, to enable proper and timely preventive actions to be taken;

Concerned by a trend for safety information to be used for disciplinary and enforcement actions, and to be admitted as evidence in judicial proceedings;

Mindful that the use of safety information for other than safety-related purposes may inhibit the provision of such information, with an adverse effect on aviation safety;

Considering that a balance needs to be struck between the need for the protection of safety information and the need for the proper administration of justice;

Recognizing that technological advances have made possible new safety data collection, processing and exchange systems, resulting in multiple sources of safety information that are essential in order to improve aviation safety;

Noting that existing international laws, as well as national laws and regulations in many States may not adequately address the protection of safety information;

The Assembly:

1. *Instructs* the Council to develop appropriate legal guidance that will assist States to enact national laws and regulations to ~~effectively~~ protect **in an appropriate manner** information from **all relevant** safety data collection **and processing** systems, ~~both mandatory and voluntary~~, while allowing for the proper administration of justice in the State;
2. *Urges* all Contacting States to examine their existing legislation and adjust as necessary, or enact laws and regulations to ~~effectively~~ protect **in an appropriate manner** information from **all relevant** safety data collection **and processing** systems based, to the extent possible, on the legal guidance developed by ICAO; and
3. *Instructs* the Council to provide a progress report to the next ordinary Session of the Assembly on this matter.

24.1:1.3 The meeting considered A35-WP/228 presented by France, which reviewed the difficulties underlying the protection of safety data, collected within or outside the framework of accident investigations. The meeting noted that WP/228 stressed that the various safety data collection systems available to the industry form a coherent whole and, as such, the information extracted from these various sources must be protected in a global manner. The meeting also noted that WP/228 proposed that the draft Assembly resolution contained in WP/52 should be understood to protect all sources of safety data, including those that are the subject of provisions in Annexes.

24.1:1.4 *Considering* that the Executive Committee had examined most of A35-WP/152, the Technical Commission was invited to examine the section on safety management systems and conclusions, as well as action paragraph 14 c). Based on the discussion, the Commission agreed that States should be invited to adopt regulatory provisions obliging aircraft operators and handling agents to report all incidents and accidents occurring at airports in the State (including on apron areas) to the appropriate authorities, including the airport operators concerned.

24.1:1.5 The Commission noted WPs 91, 92, 105 and 260.

Agenda Item 24: ICAO Global Aviation Safety Plan (GASP)
24.2: Progress of the ICAO programme for the prevention of controlled flight into terrain (CFIT)

24.2:1 Progress of the ICAO programme for the prevention of controlled flight into terrain (CFIT)

24.2:1.1 The Secretary introduced A35-WP/59 which indicated that from 1992 to 2003, there was a significant decrease in the number of CFIT fatal accidents. The Commission expressed continuing support for the ICAO programme for the prevention of controlled flight into terrain (CFIT), which was believed to be a significant contributor to the reduction in the worldwide accident rate.

24.2:1.2 On the basis of the discussion, the Commission agreed to urge States to implement CFIT prevention-related provisions, particularly those related to the equipage of GPWS having a forward-looking terrain avoidance function, the design and implementation of approaches with vertical guidance (APV) and the provision of electronic terrain and obstacle data.

24.2:1.3 In addition, the Commission noted with interest the information contained in A35-WP/108 which outlined the analysis performed by the Interstate Aviation Committee and the actions taken to prevent controlled flight into terrain. Commenting on the analysis of errors made by air traffic controllers as presented in A35-WP/108, IFATCA indicated that the errors mentioned were unacceptable and indicated that the relevant authorities needed to take appropriate action.

24.2:1.4 In A35-WP/243, Italy expressed its views concerning development of further technical Standards and Procedures related to approaches with vertical guidance (APV) and invited the Assembly to task the Organization to develop Standards and guidance material to support APV operations.

24.2:1.5 The Secretary indicated that the technical work programme of the organization in the air navigation field already contained the development of Standards and guidance material to support approaches with vertical guidance (APV). The Commission requested the Organization to accelerate the development of such Standards and guidance material with a view to its completion within two years.

24.2:1.6 The Commission noted the information provided by the Republic of Korea in A35-WP/191 which presented successful results obtained from Flight Operations Quality Assurance (FOQA) programmes, thus preventing CFIT through the use of stabilized approaches.

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Agenda Item 24: ICAO Global Aviation Safety Plan (GASP)
24.3: Flight safety enhancement programme

24.3:1 Flight safety enhancement programme

24.3:1.1 The Secretary introduced A35-WP/60 which presented the concept, objectives and main elements of the Flight Safety Enhancement Programme. FSEP was designed to provide generic examples of technical procedures for civil aviation administration inspectors, and to facilitate exchange of information in relation to identified deficiencies and assistance available for their resolution.

24.3:1.2 The Commission expressed appreciation and support for the Flight Safety Enhancement Programme.

24.3:1.3 The Commission, noting the information provided in A35-WP/60, requested the Council to present a progress report to the next ordinary Session of the Assembly.

24.3:1.4 The Commission noted the information provided by Pakistan in A35-WP/204 in relation to the challenges faced by States in their efforts to enhance safety oversight.

Agenda Item 25: A global design code for aircraft

25:1 The Technical Commission noted A35-WP/53, presented by the United States, the European Aviation Safety Authority (EASA) and the Joint Aviation Authorities (JAA), regarding the initiative of a global design code for aircraft, aimed at a single certification. The International Working Group chartered by the Federal Aviation Administration (FAA) and JAA had completed its work towards a global design code for aircraft and that the Group had determined that most national airworthiness and certification standards were based on, or were similar to, the United States Federal Aviation Regulations (FAR's) and European Federal Aviation Regulations (JAR's). Given the transition activities taking place in Europe where the European Aviation Safety Agency (EASA) would specify certification requirements, and the fact that the participating aviation authorities could not resource new work because of other pressing safety-related issues, work on a single certification process had been suspended indefinitely. Contracting States were encouraged to use the FARs/JARs by reference as their design code for aircraft.

25:2 The Technical Commission reviewed A35-WP/61, presented by the ICAO Secretariat, regarding progress on the implementation of Resolution A33-11: A global design for aircraft. The Commission noted that the United States/Europe International Aviation Safety Conference, held from 7 to 11 June 2004 in Philadelphia (USA), had confirmed that the single worldwide code initiative had been suspended indefinitely and endorsed ICAO's intention to monitor and support the harmonization process. At this meeting, it had been confirmed that the single worldwide code initiative had been suspended indefinitely.

25:3 Also reviewed was A35-WP/69, presented by the International Air Transport Association regarding the industry overview on the implementation of Assembly Resolution A33-11. The Commission noted the views of the industry on the need to prioritize and continue global harmonization activities.

25:4 A35-WP/267, presented by the Islamic Republic of Iran, concerned the importance of joint efforts of major States of Design and Construction in the of establishment of a globally harmonized design and construction code, type and production certification processes. The Commission noted the need for an internationally coordinated approach as well as ICAO participation in the harmonization.

25:5 The Commission noted that substantial harmonization work between the FAA, JAA, and EASA had been completed and a level of maturity had been reached. The Commission recognized the need for an internationally coordinated approach to, as well as ICAO participation in, the harmonization work. It was also recognized that FARs/JARs were de facto standards and most, but not all States could use FARs/JARs and EASA regulations by reference. However, these regulations were not the only means to achieve safety requirements. The Commission recognized that detailed regulations, in keeping with its proposals for amended ICAO policy concerning detailed technical specifications (paragraph 22:4 of the Report on Agenda Item 22 refers), may be linked to SARPs as means of compliance, but should not be contained in Annexes. Therefore, it was agreed that, rather than pursuing a global design code, there was a need to focus on a common certification process. It was recognized that industry would greatly benefit from such a common certification processes. Furthermore, there was a need for common essential requirements, recognized worldwide, as a basis for a common certification process, and ICAO should review Annex 8 — *Airworthiness of Aircraft* requirements accordingly. In this context, the Commission noted that revisions to the *Airworthiness Manual* (Doc 9760) due in 2006 would address type and production certification processes.

25:6
to:

Based on the foregoing, the Commission agreed that the Assembly should encourage States

- a) identify, prioritize and deliver harmonisation items which are sufficiently mature for promulgation;
- b) based on their certification processes, provide ICAO with common essential requirements that could be reflected in Annex 8 as a basis for a common certification process; and
- c) invite greater participation by the manufacturing industry and airspace users.

Agenda Item 26: Assembly Resolutions to be consolidated or to be declared no longer in force

26:1 The Plenary had referred Appendix B of A35-WP/33 on Assembly Resolutions to be consolidated or to be declared no longer in force to the Technical Commission, which agreed with the Council's recommendations that Resolution A22-14 concerning technical and economic problems related to the introduction into commercial service of supersonic aircraft be declared no longer in force.

— END —