



**WORKING PAPER**

**ASSEMBLY — 36TH SESSION**

**TECHNICAL COMMISSION**

**Agenda Item 32: Development of an up-to-date consolidated statement of continuing ICAO policies and practices related to a global ATM system and communications, navigation and surveillance/air traffic management (CNS/ATM) systems**

**Agenda Item 36: Development of an up-to-date consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation**

**RECOMMENDATIONS FOR UPDATING RESOLUTION A35-14 AND  
REVIEW OF RESOLUTION A35-15**

(Presented by the Council of ICAO)

**EXECUTIVE SUMMARY**

In accordance with Resolution A15-9, the Assembly is expected to adopt during the 36th Session a revised consolidated statement of continuing air navigation policies, up to date as of the end of that session.

In accordance with Assembly Resolution A35-15, the Assembly is expected to adopt at each regular session of the Assembly, for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM.

The Council has reviewed the existing consolidated statements in Resolutions A35-14 and A35-15 and recommends amendment to Resolution A35-14 as set out in Appendix A to this paper. No amendments to Resolution A35-15 are proposed.

To facilitate the task of the Assembly, the Council recommends a procedure for the development of the up-to-date consolidated statement, at Appendix B.

**Action:** The Assembly is invited to: a) adopt the revised consolidated statement of continuing air navigation policies and associated practices up to date as of the end of the 36th Session; b) agree that no amendments are required to Resolution A35-15.

<i>Strategic Objectives:</i>	This working paper furthers progress on Strategic Objectives A, D and E by updating and strengthening the policy framework for ICAO's activities in the air navigation field.
<i>Financial implications:</i>	No additional resources required.
<i>References:</i>	Doc 9848, <i>Assembly Resolutions in Force (as of 8 October 2004)</i>

## 1. INTRODUCTION

1.1 In accordance with Resolution A15-9, the Assembly is expected to adopt during the 36th Session a revised consolidated statement of continuing air navigation policies, up to date as of the end of that session. To this end, the Council recommends amendments and additions to the existing consolidated statement in Resolution A35-14 and its appendices, and a procedure for the development of the up to date consolidated statement.

1.2 In accordance with Assembly Resolution A35-15, the Assembly is expected to adopt at each regular session of the Assembly, for which a Technical Commission is established, a consolidated statement of continuing ICAO policies and practices related to CNS/ATM.

## 2. REVIEW OF THE EXISTING CONSOLIDATED STATEMENTS

2.1 The Council, taking into account the recommendations of the Air Navigation Commission, reviewed the existing consolidated statements in Resolution A35-14, Appendices A to X and Resolution A35-15, Appendices A and B, to determine whether any amendments thereto should be recommended to the Assembly. In accordance with previous practice, the review was based on the following types of changes:

- a) amendments needed to clarify the intent of present policies and associated practices;
- b) amendments needed as a consequence of developments since the 35th Session of the Assembly; and
- c) deletion of policies and associated practices that have served their purpose and are no longer required.

2.2 Amendments of a purely editorial nature (e.g. updating of resolution numbers and typographical corrections, etc.) will be included in the final published document on Assembly Resolutions in Force.

2.3 The Council recommends that the following appendices to Resolution A35-14 be amended:

- Appendix A (Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS))
- Appendix C (Panels of the Air Navigation Commission (ANC))
- Appendix D (Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS))
- Appendix K (Formulation of Regional Plans including Regional Supplementary Procedures)
- Appendix L (Regional air navigation (RAN) meetings)

— Appendix P (Coordination of civil and military air traffic)

and that Appendix I (Coordination of activities relating to research, development, trials and demonstrations in the fields of communications, navigation, surveillance and air traffic management (CNS/ATM) and aerodrome services) be deleted.

2.4 The proposed amendments are set out in Appendix A.

2.5 The Council has not identified any amendments to be made to Resolution A35-15.

**3. DEVELOPMENT OF REVISED CONSOLIDATED STATEMENT UP TO DATE AS AT THE END OF THE 36TH SESSION**

3.1 The revised consolidated statements of ICAO continuing policies related to air navigation and to CNS/ATM systems respectively to be adopted by the Assembly should be up to date as of the end of the 36th Session and thus should incorporate any new or revised policies and associated practices of a continuing nature adopted by the Assembly during that session. The Council recommends that the same methodology be applied to updating Resolutions A35-14 and A35-15.

3.2 To facilitate the Assembly's task, the Council recommends the procedure set out in Appendix B for the development of revised consolidated statements. This is based on the experience of the Assembly in the preparation of previous consolidated statements.

3.3 The Technical Commission has in the past experienced difficulty discussing proposals for substantial amendment to the existing consolidated statement submitted from the floor unless such proposals were documented in advance of the Assembly session. Accordingly, States wishing to propose substantial amendments to the consolidated statements in Resolutions A35-14 or A35-15 are requested to document them in advance of the 36th Session so that delegates in the Technical Commission can be prepared for the discussion.

**4. PRINCIPLES RECOMMENDED FOR THE WORK ON THE SUBJECT**

4.1 In the light of past experience, it is recommended that the Assembly apply the following principles:

- a) a policy or associated practice that requires continued application for a period of more than three years should be regarded as a continuing policy or associated practice; and
- b) material which is contained in readily available authoritative ICAO documents, such as Annexes and Rules of Procedure and Directives to Air Navigation Meetings, should normally be excluded from the consolidated statements. This pertains, in particular, to the associated practices.

## APPENDIX A<sup>1</sup>

### RECOMMENDED AMENDMENTS

<p><b>A35-14: Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation</b></p>
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*Whereas* in Resolution A15-9 the Assembly resolved to adopt in each session for which a Technical Commission is established a consolidated statement of continuing policies related specifically to air navigation up to date as at the end of that session;

*Whereas* a statement of continuing policies and associated practices related specifically to air navigation as they existed at the end of the 35th Session of the Assembly was adopted by the Assembly in Resolution A35-14, Appendices A to X inclusive;

*Whereas* the Assembly has reviewed proposals by the Council for the amendment of the statement of continuing policies and associated practices in Resolution A35-14, Appendices A to X inclusive, and has amended the statement to reflect the decisions taken during the 36th Session; and

*Whereas* the statement of continuing policies in Resolution A35-14 is hereby superseded;

*The Assembly:*

1. *Resolves* that:
  - a) the Appendices attached to this resolution constitute the consolidated statement of continuing air navigation policies and associated practices of the Organization as they exist at the close of the 36th Session of the Assembly; and
  - b) the practices associated with the individual policies in the appendices constitute guidance intended to facilitate and ensure implementation of the respective policies;

and

2. *Declares* that this resolution supersedes Resolution A35-14 with its Appendices A to X inclusive.

## APPENDIX A

### Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires the Organization to adopt and amend international Standards and Recommended Practices and Procedures and states the purpose of and the matters to be dealt with in that action, and Articles 38, 54, 57 and 90 contain additional relevant provisions;

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<sup>1</sup> The full text of Resolution A35-14 and its appendices appears on pages II-2 to II-17 of *Assembly Resolutions in Force (as of 8 October 2004)* (Doc 9848).

Whereas the Assembly deems it advisable to establish certain policies to be followed in complying with these provisions of the Convention; and

Whereas the terms “Standard” and “Recommended Practice” have the following meanings:

- a) *Standard* — any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as necessary for the safety or regularity of international air navigation and to which Contracting States will conform in accordance with the Convention; in the event of impossibility of compliance, notification to the Council is compulsory under Article 38 of the Convention; and
- b) *Recommended Practice* — any specification for physical characteristics, configuration, matériel, performance, personnel or procedure, the uniform application of which is recognized as desirable in the interest of safety, regularity or efficiency of international air navigation and to which Contracting States will endeavour to conform in accordance with the Convention;

The Assembly resolves that:

1. SARPs and PANS shall be amended as necessary to reflect changing requirements and techniques and thus, inter alia, to provide a sound basis for regional planning and the provision of facilities and services;
2. subject to the foregoing clause, a high degree of stability in SARPs shall be maintained to enable the Contracting States to maintain stability in their national regulations. To this end amendments shall be limited to those significant to safety, regularity and efficiency, and editorial amendments shall be made only if essential;
3. SARPs and PANS shall be drafted in clear, simple and concise language. ~~For complex aeronautical systems, SARPs shall consist of broad, mature and stable provisions specifying system level, functional and performance requirements that provide for the requisite levels of safety levels, efficiency and interoperability. For such systems, any technical specifications necessary to achieve these requirements shall be appendices to Annexes. Any related detailed technical specifications shall be placed in separate documents and be referenced in Annexes by means of notes;~~ Supporting technical specifications, when developed by ICAO, shall be placed in separate documents to the extent possible;
4. in the development of SARPs, procedures and guidance material, 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. ~~Where deemed appropriate by the Council, material developed by these other standards-making organizations may be deemed appropriate by the Council as meeting ICAO requirements; in this case such material should~~ should be referenced in ICAO documentation;
5. to the extent consistent with the requirements of safety and regularity, Standards specifying the provision of facilities and services shall reflect a proper balance between the operational requirements for such facilities and services and the economic implications of providing them;
6. Contracting States shall be consulted on proposals for the amendment of SARPs and PANS before the Council acts on them, except when the Council may deem urgent action to be necessary.

Furthermore, subject to the adequacy of the verification and validation process, technical specifications ~~for complex systems~~ may be acted upon by the Council without consultation with States. Such material shall however be made available to States upon request;

7. the applicability dates of amendments to SARPs and PANS shall be so established as to allow the Contracting States sufficient time for their implementation; and

8. unless exceptional circumstances dictate otherwise, the applicability dates of amendments to Annexes and PANS shall be so established as to avoid the need for Contracting States to amend their national regulations more often than twice per calendar year. In the application of the foregoing, whenever practicable, any one Annex or PANS document shall not be amended more frequently than once per calendar year.

### **Associated practices**

1. The Council should ensure that provisions of SARPs and PANS are completely consistent with each other. Furthermore, the Council should endeavour to improve the processing, presentation and usefulness of ICAO documents containing SARPs, PANS and other related provisions, especially for complex systems and their associated applications. To that end the Council should promote the development and upkeep of broad system-level, functional and performance requirements. The Council should continue seeking the most appropriate means of development, processing and dissemination of technical specifications ~~for complex systems~~.

2. Contracting States should comment fully and in detail on the proposals for amendment of SARPs and PANS or at least should express their agreement or disagreement on their substance. They should be allowed at least three months for this purpose. Furthermore, Contracting States should receive at least thirty days of notification of the intended approval or adoption of detailed material on which they are not consulted.

3. Contracting States should be allowed a full three months for notifying disapproval of adopted SARPs amendments; in establishing a date for notifying disapproval the Council should take into account the time needed for transmission of the adopted amendments and for receipt of notifications from States.

4. In the application of the provision in Resolving Clause 8 above, the Council should ensure that, whenever practicable, the interval between successive common applicability dates of amendments to Annexes and PANS is at least six months.

***Reason for proposed amendments:*** To reflect the change towards developing performance based SARPs and to give more strength to outside Standards making organizations and utilizing their work within the ICAO framework, thus avoiding duplication of work.

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## **APPENDIX C**

### **Panels of the Air Navigation Commission (ANC)**

*Whereas* panels of the Air Navigation Commission have proved a valuable medium for advancing the solution of specialized technical problems; and

*Whereas* it is necessary to ensure that maximum benefit is obtained from Air Navigation Commission panels without imposing any undue burden upon the Contracting States or the Organization;

*The Assembly resolves that:*

1. panels of the Air Navigation Commission shall be established when it is necessary to advance the solution of specialized technical problems which cannot be solved adequately or expeditiously by the Air Navigation Commission through other established facilities;
2. the terms of reference and the work programmes of panels shall support the ICAO Business Plan, shall be clear and concise with timelines and the panels shall be required to adhere to them; and
3. the progress of panels of the Air Navigation Commission shall be reviewed periodically and panels shall be terminated as soon as the task assigned to them has been accomplished. A panel shall be allowed to continue in existence for more than four years only if its continuation is considered justified by the Air Navigation Commission.
4. panel activity shall support a performance-based approach to SARPs development to the extent possible.

#### **Associated practice**

Reports should be clearly presented as the advice of a group of experts to the Air Navigation Commission so that they cannot be construed as representing the views of Contracting States.

***Reason for proposed amendments:*** To reflect that ANC panel work programmes should be in line with the ICAO Business Plan, to gain support for changing the way that panels work, to reduce the overall activity of panels and to refocus the Secretariat more on implementation of Standards and less Standards-making.

#### **APPENDIX D**

##### **Implementation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS)**

*Whereas* Article 37 of the *Convention on International Civil Aviation* requires each Contracting State to collaborate in securing the highest practicable degree of uniformity in regulations and practices in all matters in which such uniformity will facilitate and improve air navigation;

*Whereas* in accordance with Article 38 of the Convention any Contracting State which finds it impractical to comply in all respects with any international standard or procedure and deems it necessary to adopt regulations or practices differing therefrom is obliged to give immediate notification to ICAO; and

*Whereas* it is important that all available means of the Organization be employed in encouraging and assisting Contracting States in overcoming their difficulties in implementation of SARPs and PANS;

*The Assembly resolves that:*

1. Contracting States shall be encouraged and assisted in the implementation of SARPs and PANS by all available means; ~~and~~
2. the differences between the regulations and the practices of Contracting States and the SARPs and PANS shall be monitored by the Council with the aim of encouraging the elimination of those differences that are important for the safety and regularity of international air navigation or are inconsistent with the objectives of the international Standards; ~~and~~
3. the Council shall analyse the root cause for non-implementation and take appropriate action.

#### **Associated practices**

1. In encouraging and assisting Contracting States in the application of SARPs and PANS the Council should make use of all existing means including the resources of Headquarters, the ICAO Regional Offices and the United Nations Development Programme.
2. Contracting States should continue, and where necessary should intensify, their efforts to apply at their operating installations practices and procedures that are in accordance with the current SARPs and PANS. In this regard, Contracting States should consider the practicability of modifying the internal processes by which they give effect to the provisions of SARPs and PANS, if such modifications would expedite or simplify the processes or make them more effective.
3. The Council should urge Contracting States to notify the Organization of any differences that exist between their national regulations and practices and the provisions of SARPs as well as the date or dates by which they will comply with the SARPs. If a Contracting State finds itself unable to comply with any SARPs, it should inform ICAO of the reason for non-implementation, including any applicable national regulations and practices which are different in character or in principle. The notifications of differences from SARPs received should be promptly issued in supplements to the relevant Annexes. Contracting States should also be requested to publish in their AIPs any significant differences from the SARPs and PANS.
4. In the monitoring of the differences from SARPs and PANS, the Council should request reports from Contracting States that have not or have incompletely reported to the Organization the implementation of SARPs. Furthermore, the Council should also request Contracting States that have not published in their AIPs information on the implementation of SARPs and PANS to publish it.

***Reason for proposed amendments:*** In the Resolving clauses, to include the need to identify the reasons why SARPs are not implemented and to indicate alternative means of compliance. Such information would be an important contribution to ICAO's data collection and analysis efforts.



## APPENDIX E

### ICAO technical manuals and circulars

*Whereas* up-to-date technical guidance material made available through ICAO provides extremely valuable assistance to administrations in the planning for implementation of Standards and Recommended Practices, Procedures for Air Navigation Services and Regional Plans;

*Whereas* it is equally important to provide for the availability of appropriate technical guidance for the training of staff and the updating of the knowledge of operating personnel, as warranted by advancing technology, thus improving the quality of service and enhancing the level of safety in air operations;

*Whereas* no satisfactory alternative exists for the provision of such guidance material on an international level other than under the aegis of ICAO; and

*Whereas* the maintenance of existing ICAO manuals and the development of new manuals and circulars, as appropriate, is a major task in terms of both technical and administrative personnel requirements, involving conflicting priorities and requiring special measures related to Secretariat capacity and publication practices;

*The Assembly resolves* that priority shall be provided for the continuing updating of the contents of present ICAO technical manuals and the development of additional guidance material as warranted by advancing technology, thus ensuring optimum value for Contracting States in their implementation of Standards, Recommended Practices and Procedures for Air Navigation Services as well as planning for and implementation of facilities and services.

### Associated practices

1. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the ICAO technical manuals and circulars programme so as to ensure that all appropriate technical fields are adequately covered by the necessary guidance material.

2. The Council should seek means by which appropriate technical manuals and circulars can be produced and published without undue delay and without competing with priorities in the production of routine publications.

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## APPENDIX I

### **Coordination of activities relating to research, development, trials and demonstrations in the fields of communications, navigation, surveillance and air traffic management (CNS/ATM) and aerodrome services**

~~*Whereas* the Organization plays a useful role in coordination of research and development work in the fields of CNS/ATM and aerodrome services; and~~

~~*Whereas* it is important for States engaged in research and development to have timely information from the Organization on the operational requirements of international civil aviation in those fields;~~

~~*The Assembly resolves* that international coordination of research, development, trials and demonstrations~~

~~related to CNS/ATM and aerodrome services shall be encouraged but without impeding the essential freedom of action in research and development.~~

#### **Associated practices**

~~1. The Council should give due attention to the timely establishment of the operational requirements of international civil aviation in the fields of CNS/ATM and aerodrome services.~~

~~2. The Council should encourage Contracting States to provide the Organization with current information on the nature and direction of current and planned research and development projects of significant interest in order to allow the Organization to monitor, coordinate and harmonize these activities and make them available to all Contracting States.~~

*Reason for the deletion:* A new resolution, under Agenda Item 31, will be proposed to support the further evolution, beyond CNS/ATM, towards a Global Air Traffic Management System and greater integration of Next Generation Air Transport System (NextGen) and Single European Sky ATM Research (SESAR) Programme as part of a global system.

## **APPENDIX JI**

### **Coordination of aeronautical systems and subsystems**

*Whereas* it is desirable to avoid unnecessary duplication of functions performed by equipments installed on board aircraft or in ground or space installations in the general interests of economy;

*Whereas* it might be possible to reduce the aggregate complexity of future equipments by coordinating the general, functional specifications for new specific equipments with those of the other equipments either on board aircraft, or in ground or space installations;

*Whereas* it is recognized that such coordination may nevertheless encounter technical and operational difficulties and must take into account cost effectiveness and the need for progressive implementation without undue penalty; and

*Whereas* the Air Navigation Commission has, to the extent necessary, performed a coordinating function for various technical activities under its control taking into due account information provided to it by States;

*The Assembly resolves* that work on aeronautical systems and subsystems shall be closely coordinated paying due regard to their interrelationships and taking into account operational requirements, expected technical progress and operational cost/benefit considerations.

## APPENDIX ~~K~~ J

### Formulation of Regional Plans including Regional Supplementary Procedures

*Whereas* the Council establishes Regional Plans setting forth the facilities, services and Regional Supplementary Procedures to be provided or employed by Contracting States pursuant to Article 28 of the Convention; ~~and~~

*Whereas* the Regional Plans require amendment from time to time to reflect the changing needs of international civil aviation;

*Whereas* ICAO has established an approach to planning of facilities and services that centres on the Global ATM Operational Concept and the Global Air Navigation Plan; and

*Whereas* planning of facilities and services should support a performance-based approach to planning;

*The Assembly resolves that:*

1. Regional Plans shall be revised when it becomes apparent that they are no longer consistent with current and foreseen requirements of international civil aviation;
2. when the nature of a required change permits, the associated amendment of the Regional Plan shall be undertaken by correspondence between the Organization and Contracting States and international organizations concerned; and
3. when amendment proposals are associated with the services and facilities provided by States and such amendment proposals:
  - a) do not represent changes to the requirements set by the Council in the Regional Plans;
  - b) do not conflict with established ICAO policy; and
  - c) do not involve issues which cannot be resolved at the regional level;

the Council may delegate authority for processing and promulgating such amendments to the regional level.

### Associated practices

1. The Council should ensure that the structure and format of regional plans is aligned with the Global Air Navigation Plan and in support of a performance based-approach to planning;

2. The Council, taking into account the requirement to improve still further existing safety levels, should keep under review the effect of changing requirements on the Regional Plans to ascertain in good time any need for their revision.

3. In assessing the urgency of any revision of the Regional Plans the Council should take into account the time needed by Contracting States to arrange for the provision of any necessary additional facilities and services.

34. The Council should ensure that implementation dates in Regional Plans involving the procurement of new types of equipment are realistically related to the ready availability of suitable equipment.

5. The Council should ensure that an electronic database of regional plans is developed, with supporting planning tools, in order to improve efficiency and expedite the amendment cycle;

46. The Council should use the planning groups it has established throughout the regions to assist in keeping up to date the Regional Plans and any complementary documents.

***Reason for proposed amendments:*** To reflect that the planning of facilities and services now centres on the Global ATM Operational Concept and the Global Air Navigation Plan, that regional plans should support a performance-based approach to planning, and to support the regional planning process with automation.

## APPENDIX ~~L~~ K

### Regional air navigation (RAN) meetings

*Whereas* RAN meetings are important instruments in the determination of the facilities and services the Contracting States are expected to provide pursuant to Article 28 of the Convention;

*Whereas* these meetings entail substantial expenditures of effort and money by Contracting States and the Organization; ~~and~~

*Whereas* it is necessary to ensure that maximum benefit is obtained from these meetings without imposing any undue burden on Contracting States or the Organization; ~~and~~

*Considering* that regional air navigation planning is normally accomplished by Planning and Implementation Regional Groups (PIRGs);

*The Assembly resolves* that:

1. RAN meetings shall be convened only to address issues which cannot be adequately addressed through PIRGs;

~~1. RAN meetings, convened by the Council, shall be the principal means of conducting comprehensive reviews and revisions of the Regional Plans as necessary to keep them abreast of changing requirements;~~

2. the convening of such meetings and their agenda shall be based on the existence or expectation of specific shortcomings in the Regional Plans of the respective areas;

3. the geographical area to be considered, account being taken of the existing and planned international air transport and international general aviation operations, the technical fields to be dealt with and the languages to be used shall be decided for each such meeting;

4. the organization best suited to deal with the agenda and to ensure effective coordination among the components of the meeting shall be used for each such meeting; and
5. meetings of limited technical and/or geographical scope shall be convened when specific problems, particularly those requiring urgent solution, need to be dealt with or when convening them will reduce the frequency with which full-scale RAN meetings must be held.

#### **Associated practices**

1. The Council should endeavour to hold RAN meetings at sites within the areas concerned and should encourage the Contracting States within those areas to serve as host, either individually or jointly.
2. The approved agenda and the main supporting documentation ~~including the statement of basic operational requirements and planning criteria~~ should be ~~dispatched, normally by air,~~ made available, by electronic means, not less than ten months in advance of the convening date in the case of the agenda and not less than three months in the case of the main supporting documentation; ~~other documentation should be dispatched as soon as possible.~~
3. The Council should ensure that adequate guidance is made available to RAN meetings on operational and technical matters relevant to their agenda.
4. Each participating Contracting State should inform itself, in advance of a meeting, on the plans of its air transport operators and its international general aviation for future operations and, similarly, on the expected traffic by other aircraft on its registry and on the overall requirements of these various categories of aviation for facilities and services.
5. The Council, taking into account the requirement to improve still further existing safety levels, should foster the establishment, for and by RAN meetings, of up-to-date planning criteria which would aim to ensure that Regional Plans satisfy the operational requirements and are economically justified.
6. The Council should develop and maintain specific and detailed directives for consideration of implementation matters at RAN meetings.

***Reason for proposed amendments:*** To signal that regional air navigation meetings are no longer the principal means of reviewing and revising Regional Plans. The regional planning process is now normally conducted through the Planning and Implementation Regional Groups. RAN meetings should be convened only to address issues which cannot be adequately addressed through PIRGs and should be very focussed. Efforts should be directed towards greater integration of global and regional work (Headquarters and Regional Offices).

#### **APPENDIX ML**

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## APPENDIX PO

### Coordination of civil and military air traffic

*Whereas* the airspace as well as many facilities and services should be used in common by civil aviation and military aviation;

*Whereas* Article 3 (d) of the Convention requires that Contracting States, when issuing regulations for their State aircraft, have due regard for the safety of navigation of civil aircraft;

*Recognizing* that growing air traffic demand would benefit from greater access to airspace used for military purposes and that ~~*Whereas*~~ satisfactory solutions to the problem of common use of airspace have not evolved in all areas; ~~and~~

*Whereas* although full integration of the control of civil and military air traffic may be regarded as the ultimate goal, improvement in coordination in many States offers, at the present time, an immediate approach towards resolution of existing difficulties; and

*Recalling* that the ICAO Global ATM Operational Concept states that all airspace should be a usable resource, any restriction on the use of any particular volume of airspace should be considered transitory, and all airspace should be managed flexibly;

*The Assembly resolves that:*

1. the common use by civil and military aviation of airspace and of certain facilities and services shall be arranged so as to ensure the safety, regularity and efficiency of international civil air traffic; ~~and~~
2. the regulations and procedures established by Contracting States to govern the operation of their state aircraft over the high seas shall ensure that these operations do not compromise the safety, regularity and efficiency of international civil air traffic and that, to the extent practicable, these operations comply with the rules of the air in Annex 2; ~~and~~
3. the Council shall endeavour to support States in the establishment of civil/military agreements by providing advice and guidance.

### Associated practices

1. Contracting States should as necessary initiate or improve the coordination between their civil and military air traffic services to implement the policy in Resolving Clause 1 above.
2. The Council should ensure that the matter of civil and military coordination in the use of airspace is included, when appropriate, in the agenda of divisional and regional meetings.
3. When establishing the regulations and procedures mentioned in Resolving Clause 2, the State concerned should coordinate the matter with all States responsible for the provision of air traffic services over the high seas in the area in question.

***Reason for proposed amendments:*** Military activity accounts for a large segment of global airspace. ICAO should obtain a mandate to facilitate civil/military agreements. The amendments also take account of the new provisions of the ATM Operational Concept which was endorsed by the Eleventh Air Navigation Conference.

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*Editorial Note:* Other Appendices will be renumbered as appropriate.

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## APPENDIX B

### RECOMMENDED PROCEDURE FOR THE DEVELOPMENT OF THE REVISED CONSOLIDATED STATEMENTS

The following three-stage procedure is recommended:

#### **Stage 1**

At the beginning of the 36th Session, the Technical Commission reviews any amendments and additions proposed by the Council to the existing consolidated statements in Resolution A35-14 and its respective appendices, and any proposals from the floor for the amendment of the existing consolidated statements. Resolution A35-14 is reproduced in full in Doc 9848.

#### **Stage 2**

As the work of the Technical Commission on the other agenda items proceeds, any resolution developed by the Technical Commission that contains continuing policies and associated practices is submitted to the Plenary for noting only under the respective agenda item. This is done with the understanding that the substance of the resolution will be incorporated into the revised consolidated statements to be presented for adoption by the Plenary at the very end of the session.

#### **Stage 3**

Towards the end of the 36th Session, after the work on all agenda items of the Technical Commission but Item 36 has been completed, the Secretariat prepares a draft final version of the revised consolidated statement. This incorporates the changes agreed upon in principle during Stage 1 as well as the continuing policies and associated practices developed during Stage 2. The Technical Commission reviews the draft revised consolidated statements and submits them to the Plenary for adoption

— END —