



**WORKING PAPER**

**ASSEMBLY — 36TH SESSION**

**TECHNICAL COMMISSION**

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

**READINESS OF STATES TO IMPLEMENT THE AMENDMENTS TO THE SARPS AND PANS THAT HAVE ENTERED INTO FORCE**

(Presented by the Russian Federation)

**EXECUTIVE SUMMARY**

This paper contains proposals concerning an addition to a number of provisions of Appendix A to Resolution A35-14. These proposals are considered within the context of measures to regulate the actions undertaken by ICAO when circumstances arise which prevent Contracting States from implementing the amendments to SARPs and PANS in terms of their applicability dates.

**Action:** The Assembly is invited to:

- a) consider the material in Section 2 of this paper;
- b) undertake the required action to carry out the proposals contained in Section 3 of this paper.

<i>Strategic Objectives:</i>	This working paper relates to Strategic Objectives A, D and E.
<i>Financial implications:</i>	
<i>References:</i>	State letters 04/97, 05/80, 06/12, 07/12, 07/14, 07/18.

## 1. INTRODUCTION

1.1 Paragraph 7 of the Resolving Clause of Appendix A, Formulation of Standards and Recommended Practices (SARPs) and Procedures for Air Navigation Services (PANS), of Resolution A35-14, Consolidated statement of continuing ICAO policies and associated practices related specifically to air navigation, prescribes that the applicability dates of amendments to SARPs and PANS shall be established “so as to allow the Contracting States sufficient time for their implementation”.

1.2 Additionally, when significant financial, labour- and time-related expenses are involved on the part of operators in order to meet the requirements of the new SARPs (or PANS) contained in the amendments, significant time is required, as a rule, in order to ensure the orderly and cost-effective implementation of those requirements, which can be calculated in years between the date of entry into force and the date of applicability of SARPs.

1.3 During the course of this extended period of time, the impact of external political, economic, technological and other factors can lead to significant changes in the aforementioned balance between the need to introduce new operational requirements and the economic consequences related to the process of their implementation.

1.4 A significant violation of that balance may require a revision to the applicability dates of the amendments to the SARPs in force and an update to their contents, as was the case relating specifically to the standardization dates for equipping aircraft with emergency locator radio transmitters.

## 2. DISCUSSION

2.1 In 1994, in order to significantly increase the effectiveness of search and rescue (SAR) measures for aircraft in distress, ICAO adopted Standards concerning the mandatory carriage of emergency locator transmitters (ELTs) by aircraft operating flights over designated land areas or extended flights over water. Since 1999, those Standards have been refined and supplemented by a requirement for aircraft operating such flights to carry ELT systems by 1 January 2005.

2.2 Towards the beginning of 2005, there were significant delays on the part of many operators in equipping operational aircraft with ELT systems. The delay was caused by the impact of a series of external factors, such as, inter alia, the ambiguity in the definition of designated land areas to States, the labour intensity involved in making alterations to aircraft, the economic viability of making such alterations only during large-scale aircraft maintenance operations and the high cost of equipping aircraft.

2.3 In early 2005, States were required to take various interim measures related to the ICAO requirements on the dates for equipping aircraft with ELT systems. For instance, in order to ensure the continuity of air service in the European region, the Russian Federation and ECAC concluded an agreement on the introduction of a one-year transition period to complete equipping with ELT systems the aircraft of the fleet of ECAC member States and Russia.

2.4 In turn, ICAO, in order to provide operators with the additional time required to equip their aircraft fleet with ELT systems, proceeded to review proposals on extending by at least two years the completion date for equipping operational aircraft with ELT systems. Finally, in the current year 2007,

the Standards concerning the mandatory carriage of emergency locator transmitters (ELTs) by aircraft were refined once again and consolidated with the common requirement for all operational aircraft to be equipped with ELT systems by 1 July 2008.

2.5 There are no guarantees that a situation, such as the one which arose with the implementation dates of the ELT systems, will not occur again during the implementation of other amendments to SARPs and PANS. As such, there is known concern about the upcoming entry into force, from 5 March 2008, of ICAO Standards on the knowledge of aviation English by aviation personnel, which will require operators from non-English speaking countries to spend significant financial resources on training. In particular, in the Russian Federation alone, the number of ATS personnel authorized to carry out ATC on international air routes is slightly over 4,500; the requirement for financial resources to train and test such personnel over the next three years is 36 million Euros (roughly under 50 million US\$). It is logical to assume that similar data on personnel training can be found not only in Russia but also in other countries.

### 3. CONCLUSIONS AND PROPOSALS

3.1 In the light of the material presented in Section 2 of this paper, it is considered imperative that arrangements be made in order to regulate the actions undertaken when circumstances arise which prevent Contracting States from initiating the widespread application of the different amendments to the SARPs and PANS that have entered into force.

3.2 For these purposes it is proposed:

- a) to request the Council to develop a mechanism which allows it to effectively monitor the readiness of Contracting States to implement the amendments to the SARPs and PANS that have entered into force, and to take corrective measures with respect to their applicability dates; and
- b) to add the following text to paragraph 7 of Appendix A to Resolution A35-14:

“When circumstances arise which prevent Contracting States from initiating within the established period the widespread application of the different amendments that have entered into force, the Council, when required, shall take decisions related to the introduction of a transition period or to the adequate revision of the applicability dates of those amendments.”