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ASSEMBLY — 36TH SESSION

REPORT OF THE TECHNICAL COMMISSION ON AGENDA ITEM 30

(Presented by the Chairman of the Technical Commission)

The attached report on Agenda Item 30 has been approved by the Technical Commission. Resolutions 30/1 and 30/2 are recommended for adoption by the Plenary.

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

(9 pages)

Agenda Item 30: Other safety matters**30.1 Language proficiency requirements**

30.1.1 The Commission reviewed A36-WP/151 that provided a progress report presented by the Council of ICAO on the implementation of the language proficiency requirements and proposed a draft resolution to mitigate the impact of a delay in compliance by some States with the language proficiency requirements in Annex 1. Pilots who do not meet the language proficiency requirements would require specific permission from other States to operate in the airspace under their jurisdiction. States that would not comply by the applicability date of 5 March 2008 would be urged to develop implementation plans that include interim measures to mitigate risk and make their plans available to all other States. The Secretary advised the Commission that should the resolution be agreed to, a series of workshops would be held in each ICAO Region to assist States in developing their implementation plans. The Resolution also proposed that ICAO establish globally harmonized language testing criteria. The Secretary also stated, that an ICAO language testing endorsement scheme, as proposed in A36-WP/151 was not included in the budget.

30.1.2 The Commission considered A36-WP/68, presented by the International Federation of Air Traffic Controllers' Associations (IFATCA), in which IFATCA expressed concern that many States were not progressing at an acceptable pace with respect to timely implementation of language training. IFATCA requested that the importance of this programme be reinforced to States and that States not install language deficiency reporting schemes that institute regimes of blame that would be counter-productive to aviation safety.

30.1.3 Through A36-WP/183, the International Aeronautical Federation (FAI) and the International Council of Aircraft Owner and Pilot Associations (IAOPA) indicated that some States will not be capable of testing and certifying all of their licensed pilots and air traffic controllers prior to 5 March 2008. It called for a reconsideration of the IAOPA petitions to modify the language proficiency Standards for VFR operations and delay the applicability date of the requirements until the full impact of the Standard had been assessed. The paper also called for the establishment of standardized testing and a simplification of the testing procedures.

30.1.4 A proposal was made to exempt pilots operating under VFR in uncontrolled airspace from the ICAO Operational Level 4 requirement. There was support for the proposal; however a majority was opposed to such an exemption. The view was expressed that States should, during the transition period from 5 March 2008 to 5 March 2011, take into consideration by way of risk assessments the effect that the language proficiency requirements would have on general aviation operations.

30.1.5 One Delegate expressed his support for the transition plan proposed by the Council in the draft resolution attached to A36-WP/151. However, it was noted with concern that implementation of the plan through an Assembly Resolution would not guarantee that each Contracting State would accept pilots that do not comply with the Level 4 proficiency requirement, even when the State that issued the licence had posted its implementation plan on the ICAO website. It was therefore recommended that the transition plan be implemented through an amendment to Annex 1 in order to benefit from the international recognition provided under Article 33 of the Convention. Although there was some support

for this approach, the Commission recognized that it may not be possible to amend Annex 1 prior to the applicability date of 5 March 2008 and that the resolution provided a practical way forward. However, given the concerns expressed, the Commission agreed that the Council should review further the possibility of an amendment to Annex 1 and take action as appropriate.

30.1.6 Concern was expressed over the proposed ICAO endorsement system for aviation language testing in paragraph 3.4 of the A36-WP/151 and the globally harmonized language testing criteria in Resolving Clause 2 of the attached draft Resolution. However, there was also support for the timely establishment of an ICAO system to endorse language testing services as a means to support States in their uniform implementation of the language proficiency requirements.

30.1.7 The need for information concerning States' implementation plans or their compliance with the language proficiency requirements well in advance of 5 March 2008 was recognized.

30.1.8 In view of the discussion, the Commission submits, for adoption by the Plenary, the following resolution:

Resolution 30/1: Proficiency in the English language used for radiotelephony communications

Whereas to prevent accidents, ICAO introduced language provisions to ensure that air traffic personnel and pilots are proficient in conducting and comprehending radiotelephony communications in the English language, including requirements that the English language shall be available on request at all stations on the ground serving designated airports and routes used by international air services;

Recognizing that the language provisions reinforce the requirement to use ICAO standardized phraseology in all situations for which it has been specified;

Recognizing that Contracting States have made substantial efforts to comply with the language proficiency requirements by 5 March 2008;

Recognizing that some Contracting States encounter considerable difficulties in implementing the language proficiency requirements including the establishment of language training and testing capabilities;

Recognizing that some Contracting States will require additional time to implement the language proficiency provisions beyond the applicability date;

Whereas in accordance with Article 38 of the Convention any Contracting State which finds it impracticable to comply in all respects with any international standard or procedure is obliged to give immediate notification to ICAO;

Whereas in accordance with Article 39 b) of the Convention any person holding a licence not satisfying in full the conditions laid down in the international standard relating to the class of licence

or certificate held, shall have endorsed on or attached to the licence all the particulars in which this person does not satisfy such conditions; and

Whereas pursuant to Article 40 of the Convention no personnel having certificates or licences so endorsed shall participate in international navigation, except with the permission of the State or States whose territory is entered; A36-WP/151 TE/36, Appendix A, page A-2.

The Assembly:

1. *Urges* the Contracting States to use ICAO standardized phraseology in all situations for which it has been specified;
2. *Directs* the Council to support Contracting States in their implementation of the language proficiency requirements by establishing globally harmonized language testing criteria;
3. *Urges* Contracting States that are not in a position to comply with the language proficiency requirement by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk, as required, for pilots, air traffic controllers and aeronautical station operators involved in international operations on the ICAO website as outlined in accordance with the Associated Practices below and ICAO guidance material;
4. *Directs* the Council to provide guidelines to States on the development of implementation plans, including an explanation of the risk mitigation measures so as to enable Contracting States to post their plans as soon as practicable, but prior to 5 March 2008;
5. *Urges* Contracting States to waive the permission requirement under Article 40 of the Convention, in the airspace under their jurisdiction for pilots who do not yet meet the ICAO Language Proficiency Requirements, for a period not exceeding three years after the applicability date of 5 March 2008, provided that the States which issued or rendered valid the licences have made their implementation plans available to all other Contracting States;
6. *Urges* Contracting States not to restrict their operators, conducting commercial or general aviation operations, from entering the airspace under the jurisdiction or responsibility of other States where air traffic controllers or radio station operators do not yet meet the language proficiency requirements for a period not exceeding three years after the applicability date of 5 March 2008, provided that those States have made their implementation plans available to all other Contracting States;
7. *Urges* Contracting States to provide data concerning their level of implementation of the Language Proficiency Requirements when requested by ICAO;
8. *Requests* the Council to submit to the next ordinary session of the Assembly a report regarding the implementation of the ICAO language proficiency requirements; and
9. *Declares* that this resolution supersedes Resolution A32-16.

Associated Practices

Contracting States that are not able to meet the Language Proficiency Requirements by 5 March 2008 should:

1. Develop implementation plans for the Language Proficiency Requirements that include the following:
 - a) a timeline for adoption of the Language Proficiency Requirements in their national regulations;
 - b) a timeline for establishment of language training and assessment capabilities;
 - c) a description of a risk-based prioritization system for the interim measures to be put in place until full compliance with the Language Proficiency Requirements is achieved;
 - d) a procedure for endorsing licences to indicate the holders' language proficiency level; and
 - e) designation of a national focal point in relation to the English language proficiency implementation plan;
2. Make their language proficiency implementation plans available to all other Contracting States by posting their plans on the ICAO website as soon as practicable, but prior to 5 March 2008;
3. Notify ICAO of differences to the language proficiency Standards and Recommended Practices; and
4. Publish differences to the Language Proficiency Requirements in relation to the provision of air navigation services in their Aeronautical Information Publications.

30.2 Aerodrome matters

30.2.1 The Commission reviewed A36-WP/14, presented by Council on the global implementation of aerodrome certification requirements in Annex 14 — *Aerodromes*, Volume I — *Aerodrome Design and Operation*. Underscoring the importance of aerodrome certification in the face of an increasing trend towards greater autonomy and privatisation of aerodromes, the report highlighted the lack of progress in the implementation of aerodrome certification requirements, including aerodrome Safety Management Systems (SMS).

30.2.2 In A36-WP/169, Airport Council International (ACI), while noting the conclusions of A36-WP/14, presented ACI activities related to airport safety and proposed a set of actions to address the issues raised.

30.2.3 A36-WP/220, presented by China recommended the amendment of the scope of the provision contained in Annex 14, Volume I, and the inclusion of provisions dealing with new airport-related business, such as information management systems at aerodromes. Furthermore, it proposed that ICAO study the possibility of developing more SARPs on apron markings and signs, to review provisions relating to obstacle restriction. The delegate from China further suggested that ICAO consider upgrading to SARPs status the safety management guidance in the *Manual on Certification of Aerodromes* (Doc 9774) and in the *Airport Services Manual* (Doc 9137).

30.2.4 The Commission, noted the relatively low level of implementation of aerodrome certification, including SMS, and urged States to undertake certification of aerodromes, as a matter of priority and to ensure that SMS are introduced at their aerodromes. The Commission also noted the suggestions for ICAO to conduct additional workshops/seminars on aerodrome certification and aerodrome safety management system, including uniform, harmonized guidance on the latter.

30.2.5 The Commission welcomed ACI's offer to work with ICAO to further enhance the level of implementation of aerodrome certification, and:

- a) agreed that the number of aerodromes which have been certified, and the number which have implemented safety management systems should be increased speedily;
- b) called on regulators to follow the SARPs of Annex 14, Volume I, and avoid excessive and costly over-regulation;
- c) agreed that States should encourage the sharing of safety lessons; and
- d) that ICAO Council should consider a review of the specifications for all aerodrome reference code up to E following the study of the specifications in Annex 14 for Code F.

30.2.6 The Commission agreed with the intent of the ACI recommendation for States to develop regulatory provisions requiring aircraft operators and handling agents to report all incidents and accidents occurring at airports, but felt that such a requirement was in fact part of the implementation of SMS at airports.

30.2.7 The Commission noted the proposals in A36-WP/220 and agreed to refer them to the Council for action, as appropriate.

30.2.8 The Commission noted the information provided by China in A36-WP/219 and A36-WP/221 about its management of wildlife hazard at airports and measures taken to develop and implement SMS at airports, respectively. The Commission also noted information provided by India in A36-WP/160 concerning implementation of Annex 14, Volume I requirements on certification of aerodromes in India.

30.3 **Airworthiness**

30.3.1 The Commission reviewed A36-WP/206 and noted the supplemental information in A36-WP/207, presented by the United States and the United Nations Environment Programme's Ozone Secretariat.

30.3.2 A36-WP/206 contained proposals to generate greater global commitment toward the development of viable halogenated hydrocarbon (halon) replacement fire suppression systems for transport aircraft cargo compartments. The paper also proposed the staged mandating of halon-replacements in transport aircraft lavatory, engine/auxiliary power units and hand held extinguishers. The Commission supported A36-WP/206 and the proposed resolution without change.

30.3.3 In light of the discussion, the Commission agreed to submit, for adoption by the Plenary, the following resolution.

Resolution 30/2: Halon Replacement

Whereas halons contribute to climate change and are no longer being produced by international agreement because they are ozone-depleting chemicals, and have been used as fire-extinguishing agents in commercial transport aircraft for 45 years;

Recognizing that much more needs to be done because the available halon supplies are dwindling and the environmental community is becoming more concerned with the lack of substantive progress in aviation;

Recognizing that the Minimum Performance Standard for each application of halon has been developed already by the International Aircraft Systems Fire Protection Working Group with participation by industry and regulatory authorities;

Recognizing that there are stringent aircraft-specific requirements for each application of halon that must be met before a replacement can be implemented;

Recognizing that while some progress has been made in developing a halon replacement for several aspects of aircraft operation, no real progress has been made in cargo compartment halon replacement, which is by far the largest application of extinguishing agent; and

Recognizing that any halon replacement strategy must depend on alternatives that do not pose an unacceptable environmental or health risk as compared to the halons they are replacing.

The Assembly:

1. *Agrees* with the urgency of the need to develop and implement halon replacements for civil aviation;

2. *Urges* States to advise their aircraft manufacturers, airlines, chemical suppliers and fire-extinguishing companies to move forward at a faster rate in implementing halon alternatives in

engine and auxiliary power units, handheld extinguishers and lavatories; and investigating additional halon replacements for engines/auxiliary power units, and cargo compartments;

3. *Requests* that the Council consider a mandate to be effective in the 2011 timeframe for the replacement of halon in:

- lavatories for new production aircraft; and
- lavatories, hand-held extinguishers, engines and auxiliary power units for aircraft for which a new application for type certification has been submitted.

4. *Requests* that the Council consider a mandate to be effective in the 2014 timeframe for the replacement of halon in hand-held extinguishers for new production aircraft;

5. *Encourages* ICAO to continue collaboration with the International Aircraft Systems Fire Protection Working Group and the United Nations Environment Programme's (UNEP) Ozone Secretariat through its Technology and Economic Assessment Panel's Halons Technical Options Committee on the topic of halon replacement for civil aviation, and

6. *Resolves* that the Council shall report to the next Ordinary Session of the Assembly on progress made with halon replacements in civil aviation.

30.4 **Licensing and training**

30.4.1 The Commission considered A36-WP/190 and A36-WP/191, presented by Antigua and Barbuda, Barbados, Dominica, Grenada, Guyana, Haiti, Jamaica, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Suriname and Trinidad and Tobago. The purpose of WP/190 was to draw attention to aviation training and the key role it plays in safe and efficient international civil aviation. It recommended that aviation training be given priority within ICAO and that appropriate resources be allocated accordingly to the TRAINAIR Central Unit. A36-WP/191 proposed that ICAO create additional Annex 6 — *Operation of Aircraft* safety Standards for aircraft ground handling providers, including certification provisions. The paper also proposed that international operators should be required to use only ground handling providers that are certified in accordance with the proposed Standards.

30.4.2 The Commission considered A36-WP/210, presented by the International Transport Workers' Federation (ITF) and the International Federation of Air Traffic Safety Electronics Associations (IFATSEA). The paper proposed to introduce ICAO Standards for the certification of all air navigation service (ANS) providers, including maintenance organizations and suppliers of critical parts; establishment of licensing Standards for air traffic safety electronic professionals (ATSEPs) that are involved in safety or security sensitive functions; and development of Standards regulating work time limitations for air traffic control officers and ATSEP functions.

30.4.3 With regard to A36-WP/190, the Commission recognized that proper training was an essential enabler to a safe and efficient international civil aviation system and that ICAO should continue to support the efforts of States in providing training. However, it felt that it was not appropriate for the

Commission to make recommendations on how the training support functions should be organized in the ICAO Secretariat as it was matter for which the Secretary General was responsible and accountable.

30.4.4 The development of Standards and guidance material for the certification, oversight and surveillance of aircraft handling providers presented in A36-WP/191 received support from some delegates. However, the majority felt that effective safety management systems (SMS) established at the aerodrome and operator level would achieve the stated objectives. It was also noted that the audit programme of ground handling operators launched by IATA and presented in information paper A36-WP/122 would provide useful data to support the SMS of airport and operators.

30.4.5 The majority of delegates who commented on WP/210 were supportive of the action proposed by ITF and IFATSEA on the licensing standards for ATSEP. However, based on the experience of their own States, some delegates did not feel that it would improve safety. The Commission agreed that the concept of establishing licensing requirements for ATSEP could be supported in principle, but had to be referred to the ICAO Council for further consideration in view of its financial implications.

30.4.6 The Commission also noted information papers A36-WP/164, A36-WP/165 with its Corrigenda Nos. 1 and 2, presented by the International Transport Workers' Federation, and A36-WP/189, presented by Singapore.

30.5 **Other matters**

30.5.1 The Commission considered A36-WP/208, presented by ITF. The working paper discussed the history and current situation with respect to occupational safety and health regulations and the need to develop SARPs that would help ensure the occupational safety and health of cabin crew members. The paper was noted by the Commission without comments.

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