

**FACILITATION (FAL) DIVISION — TWELFTH SESSION****Cairo, Egypt, 22 March to 2 April 2004****Agenda Item 7: Other facilitation matters****A GUIDE TO SUBMITTING DIFFERENCES TO ANNEX 9**

(Presented by the Secretariat)

1. INTRODUCTION

1.1 Whenever the ICAO Council adopts an amendment to an Annex, the Organization sends a “State letter” to all its Contracting States notifying them of the amendment and inviting them to take action on it.

1.2 The letter consists of three parts:

- a) the *Letter* itself, that briefly describes the salient points of the Amendment, and provides deadlines for State action;
- b) an *Attachment A* that is to be used if States wish to notify ICAO of any disapprovals to the amendment or any part of it; and
- c) an *Attachment B* that is to be used if States wish to notify ICAO of their compliance with, or differences from, Annex 9.

2. COMPLIANCE/DIFFERENCES

2.1 Two flowcharts are attached to this paper as Appendix A. The first explains the steps that a State should take if it wishes to notify ICAO whether its national practice complies with or differs from an amendment to the Annex (*vis-à-vis* “Attachment B” referred to above, which is also attached to this paper as Appendix B, for ease of reference). The second chart describes the process using, as an example, Standard 3.10 of Annex 9.

2.2 The relatively straightforward “disapprovals” process (notification of which is made in the “Attachment A” appended to the pertinent State letter) is not described.

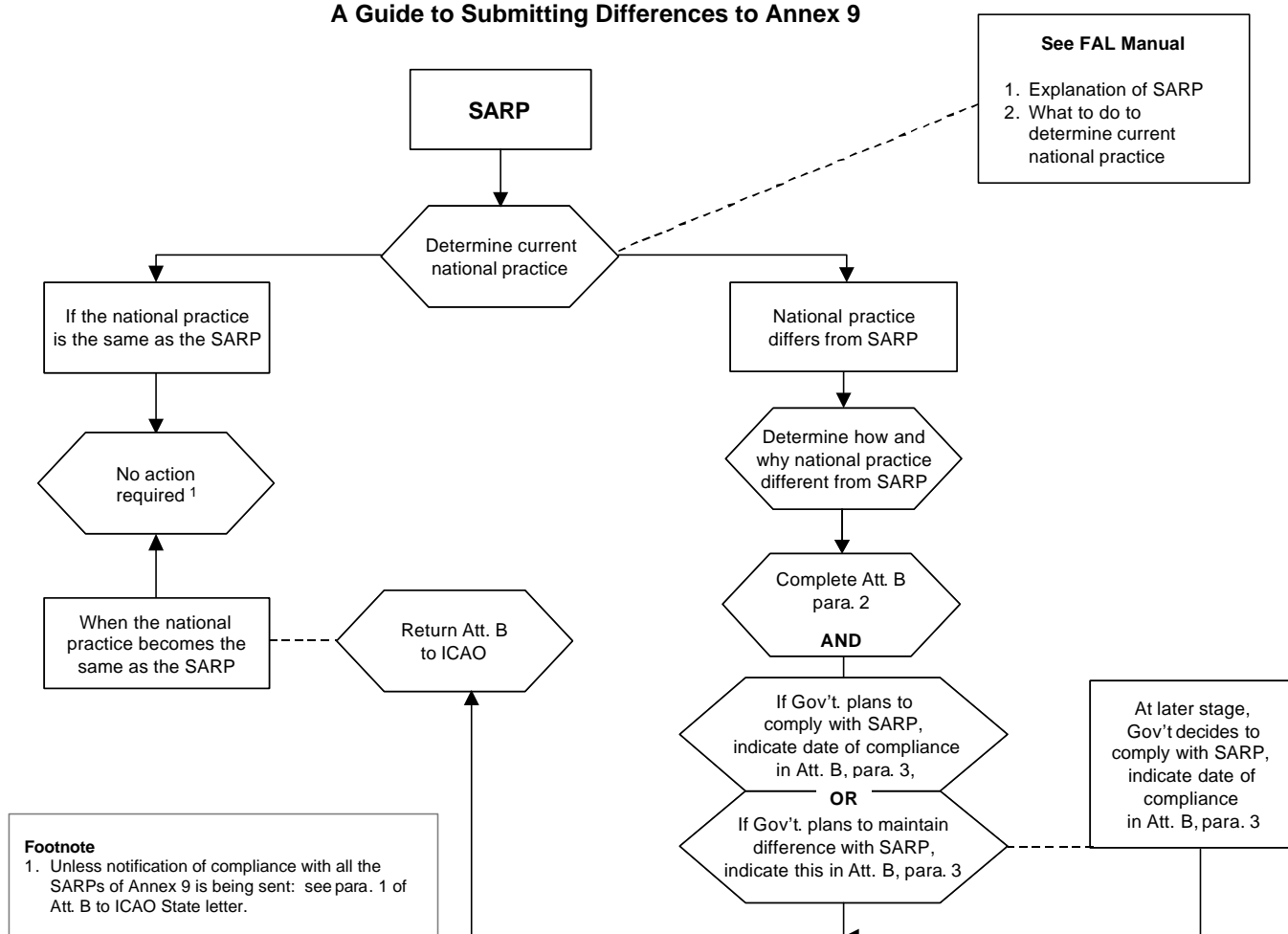
3. **ACTION BY THE DIVISION**

3.1 The Division is invited to:

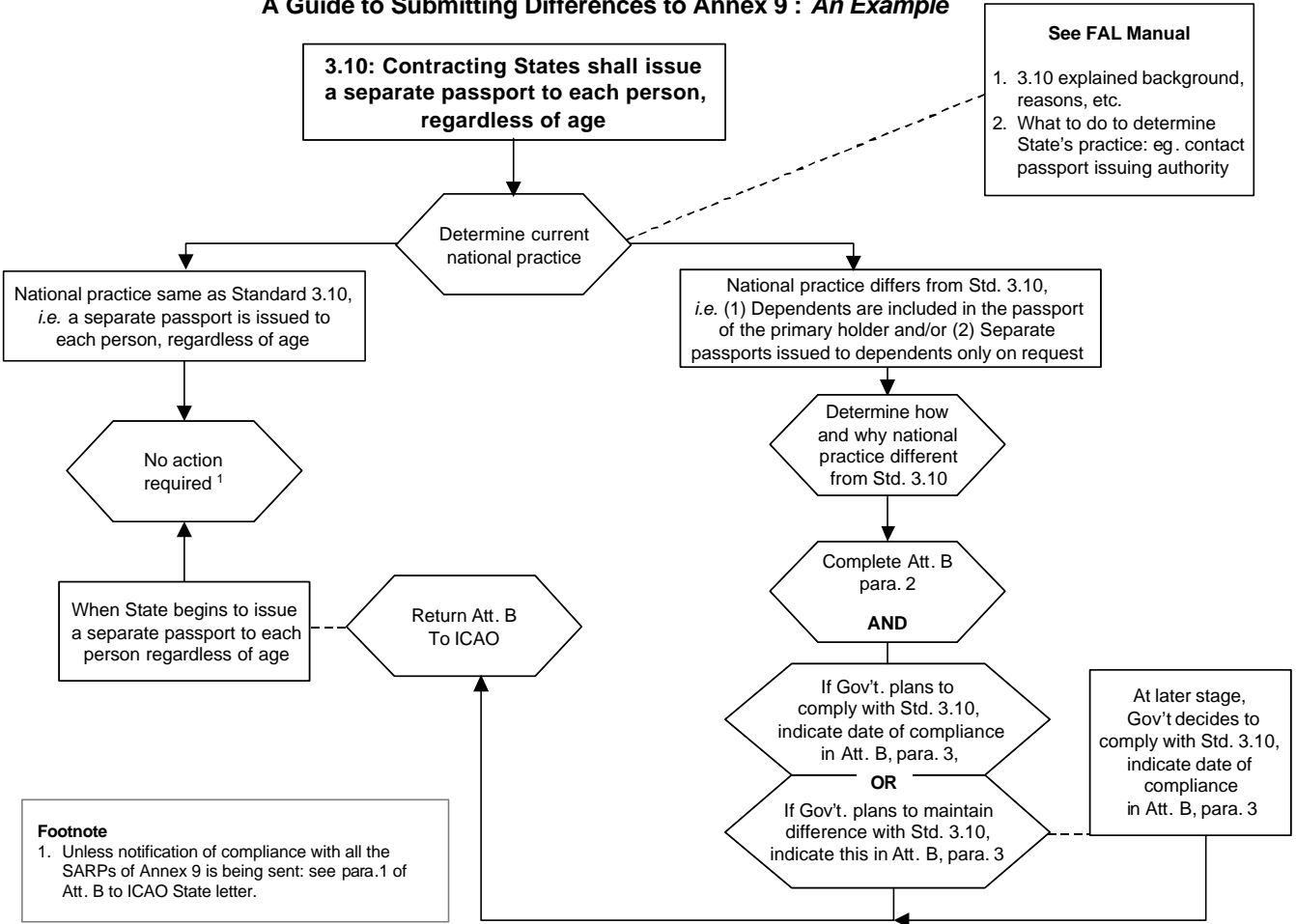
- a) note the information presented in this paper; and
- b) note that the attached flowcharts will be incorporated into the FAL Manual and presented at regional and other meetings of the FAL Programme.

APPENDIX A

A Guide to Submitting Differences to Annex 9



A Guide to Submitting Differences to Annex 9 : An Example



APPENDIX B

“ATTACHMENT B”

(sent out with State letters notifying adoption of amendments to Annex 9)

**“Notification of compliance with or differences from Annex 9
(including all amendments up to and including Amendment xx)”**

“To: The Secretary General
International Civil Aviation Organization
999 University Street
Montreal, Quebec
Canada H3C 5H7

“1. No differences will exist on (Date) _____ between the national regulations and/or practices of (State) _____ and the provisions of Annex 9, including all amendments up to and including Amendment xx.

“2. The following differences will exist on (Date) _____ between the regulations and/or practices of (State) _____ and the provisions of Annex 9, including Amendment xx. (Please see Note 3) below.)

- | | | |
|--|---|---|
| a) ANNEX PROVISION
(Please give exact paragraph reference) | b) DETAILS OF DIFFERENCE
(Please describe the difference precisely) | c) REMARKS
(Please indicate reasons for the difference) |
|--|---|---|

[Please use extra sheets as required]

“3. By the dates indicated below, (State) _____ will have complied with the provisions of Annex 9, including all amendments up to and including Amendment xx for which differences have been notified in 2 above.

ANNEX PROVISION (Please give exact paragraph reference)	DATE	COMMENTS
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[Please use extra sheets as required]

Signature

Date

- “Notes.!
- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to Montreal. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to Montreal.
 - 2) Please dispatch the form to reach Montreal by _____.
 - 3) A detailed repetition of previously notified differences, if they continue to apply, may be avoided by stating the current validity of such differences.
 - 4) Guidance on the notification of differences from Annex 9 is provided in the Note on Notification of Differences that is being forwarded with a copy of Amendment xx to Annex 9 under separate cover.
 - 5) Please send a copy of this notification to the ICAO Representative accredited to your Government.”

— END —