

GUIDELINES FOR THE DEVELOPMENT OF A LANGUAGE PROFICIENCY IMPLEMENTATION PLAN

1. BACKGROUND

1.1 The decision to address language proficiency for pilots and air traffic controllers is long standing and was first made by the 32nd Session of the Assembly in September 1998 as a direct response to an accident that cost the lives of 349 persons, as well as previous fatal accidents where the lack of proficiency in English was a causal factor. Subsequently, the Air Navigation Commission initiated the development of language provisions in Annex 1 — *Personnel Licensing*, Annex 6 — *Operation of Aircraft*, Annex 10 — *Aeronautical Telecommunications*, and Annex 11 — *Air Traffic Services*. On 5 March 2003, the Council adopted Amendment 164 to Annex 1. As of 5 March 2008, the ability to speak and understand the language used for radiotelephony that is currently required for pilots and air traffic controllers will have to be demonstrated based on the ICAO holistic descriptors and language proficiency rating scale (at Level 4 or above). Additionally, since November 2003, Annex 10 has required the availability of English language at all stations on the ground serving designated airports and routes used by international air services.

1.2 In 2007, the Council proposed and the Assembly adopted Resolution A36-11 – *Proficiency in the English language used for radiotelephony communications* which urges Contracting States that are not in a position to comply with the language proficiency requirements by the applicability date to post their language proficiency implementation plans including their interim measures to mitigate risk. The intent of the implementation plan was to provide a means of communicating the steps that your State will take to meet the language proficiency requirements and mitigate risks during a transition period from the applicability date of 5 March 2008 to 5 March 2011.

1.3 In 2010, the Assembly adopted Resolution A37-10 – *Proficiency in the English language used for radiotelephony communications*, which supersedes Resolution A36-11. This resolution calls for two major actions. First, it urges Contracting States that will not be compliant by 5 March 2011 with the language proficiency requirements to provide ICAO with detailed and updated implementation plans. States will evaluate how the measures described in the plan mitigate risks and how progress towards full compliance is achieved. Decisions concerning operations should be made on a non-discriminatory basis and not to gain economic advantage. Second, the resolution directs the Council to monitor the status of implementation of language proficiency requirements. Monitoring will be carried out in two ways:

- a) ICAO will verify the implementation plans submitted by States to ensure that they are complete and include timelines with identifiable milestones. Only complete plans will be posted on the ICAO FSIX website; and
- b) data will be collected through the revised protocol questions related to language proficiency requirements in the Continuous Monitoring Approach (CMA) methodology.

2. SCOPE

2.1 A language proficiency implementation plan should describe the following components:

- a) regulatory framework to support the implementation of the requirements;
- b) report on national level of implementation and expected time of full compliance;

- c) language proficiency assessment plan for endorsement purposes; and
- d) indication of number of endorsements given on licences or records of unlicensed personnel.

3. **CONTENT OF THE REGULATORY FRAMEWORK**

3.1 A regulatory framework is essential to support the implementation of the language proficiency requirements. States that do not have a regulatory framework in place should establish a plan to enact the necessary framework on a timely basis. The regulatory framework could consist of a combination of legislation, regulations or other documentary evidence (e.g. orders, advisory circulars) that a State Civil Aviation Authority considers sufficient to implement and enforce the language proficiency requirements. The table below should be used to document the regulatory framework or a plan to develop a regulatory framework. When the regulatory framework is already established, a reference number to the applicable national provisions should be provided. When the national provisions have not been modified, the type of provisions envisaged should be indicated, as well as the date the provision is expected to be in place.

3.2 Civil Aviation Authorities (CAAs) are responsible for the oversight of language proficiency assessments when issuing licenses or rendering valid licenses issued in other States. They should ensure that language assessments required for licensing purposes provide valid and reliable results concerning the level of proficiency of the prospective licence holder. CAAs should develop procedures to collect and analyze language test/assessment results and analyze the safety occurrence reporting system, as well as any other safety data, as regards language proficiency.

3.3 A CAA staff member nominated as a focal point for the implementation of language proficiency requirements, will:

- a) collect all the necessary information to complete the implementation plan;
- b) post the implementation plan with ICAO;
- c) assist in notifying a difference to ICAO and updating the AIP as necessary;
- d) liaise with ICAO and other Contracting States requesting information on the national implementation plan;
- e) liaise regularly with national airlines and service providers, language testing and training organizations, pilots and controllers, and any other stakeholder involved in the implementation of language proficiency requirements within the State;
- f) report any discrepancy or slippage of the implementation plan with the accountable managers and the appropriate authority;
- g) regularly update the implementation plan as progress towards full compliance is achieved; and
- h) respond to queries from ICAO and other States concerning the implementation plan in a timely and effective manner.

3.4 The name, title and full contact details of the focal point must be indicated in the plan.

Table 1 – National Regulatory Framework

Focal Point Information			
Name			
Title			
Authority			
Telephone			
Fax			
E-mail			
Compliance			
Standards and Recommended Practices (SARPs)		Yes, the regulatory framework is in place. <i>Indicate Reference</i>	No, the national regulatory framework has not yet been established. <i>Indicate expected date of introduction</i>
Annex 1	1.2.9.1		
	1.2.9.2		
	1.2.9.4, Appendix 1, Attachment A		
	1.2.9.6		
	1.2.9.7 (Recommended Practice)		
	5.1.1.2 XIII)		
Annex 6	Part I – 3.1.8		
	Part III – 1.1.3		
Annex 10, Volume II	5.1.1.1		
	5.2.1.2.1		
	5.2.1.2.2		
	5.2.1.2.3		
Annex 11	2.29.1		
	2.29.2		

4. ESTIMATE OF NATIONAL LEVEL OF IMPLEMENTATION

4.1 The plan should provide an accurate description of the existing level of the proficiency of their pilots and controllers involved in international operations. This description should be revised at regular intervals and not less than once a year. The updated implementation plan should be transmitted to ICAO.

4.2 States, with the assistance of operators and service providers, should determine the number of pilots and controllers that are involved in international operations. Within these figures, the following information would be required: the number of pilots holding ATPL, MPL, CPL and PPL and the number of controllers working in aerodrome, approach and area control facilities. These numbers

should be further broken down into levels of language proficiency in accordance with the ICAO rating scale and included in the implementation plan using the table below.

4.3 The language proficiency requirements are implemented to varying degrees in those States that are not compliant: from minimal implementation activities to nearly full compliance. Thus, some States may not have developed or acquired a capability to determine the level of language proficiency of their personnel using assessment best practices (Document 9835, second edition refers). Those States should provide estimates to the best of their knowledge, and update this information as their capacity to assess language proficiency is developed or acquired. If training programmes have been established, estimates based on training assessments may be provided. Other States may have begun to conduct tests and assessments for licensing purposes and would be in a position to confirm a level of proficiency for some of their personnel. In all cases, the manner in which the level of proficiency was estimated should be described (e.g. diagnostic tests, interviews, sampling, personnel linguistic history, licensing tests, etc.).

Table 2 – Estimate of National Level of Implementation

Date:	
Pilots involved in international operations	ATPL+CPL+MPL
Level 3 and below	
Level 4	
Level 5	
Level 6	
PPL	
Indicate number of PPLs involved in international operations	

Date:				
Controllers involved in international operations	Aerodrome	Approach	Area	Student
Level 3 and below				
Level 4				
Level 5				
Level 6				

5. LANGUAGE PROFICIENCY ASSESSMENT (OR TESTING) FOR LICENSING PURPOSES

5.1 The high stakes of language proficiency assessments (also referred to as tests) for licensing purposes are well recognized. Chapter 6 of Document 9835, second edition, describes in detail the impact and requirements of these tests. These requirements apply whether all or part of the assessment process is established within the resources of a State, air operator or air navigation service provider, or

procured through third party. It is essential that States include information in their implementation plan concerning the process they have, or will be using for the initial and recurrent licensing assessments.

5.2 The implementation plan will include the following information on initial and recurrent proficiency assessments for licensing purposes for pilots and controllers.

Table 3 – Language Proficiency Assessment (or Testing) for Licensing Purposes

State oversight of aviation language assessment has been established.	Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:
Formal evaluation of personnel who have demonstrated level 4 and level 5 has started	Yes <input type="checkbox"/> No <input type="checkbox"/>	If no, expected date of establishment:

Pilots	
The Language Proficiency Assessment was/is/will be developed by:	
Civil Aviation Authority	
Air Operator	
Educational Institution	
Private Organization	
<i>Indicate the private organization used</i>	
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Operator	
Educational Institution	
Private Organization	
<i>Indicate the private organization used</i>	

Controllers	
The Language Proficiency Assessment was/is/will be developed by:	
Civil Aviation Authority	
Air Navigation Service Provider	
Educational Institution	
Private Organization	
<i>Indicate the private organization used</i>	
The Language Proficiency Assessment was/is/will be administered by:	
Civil Aviation Authority	
Air Navigation Service Provider	
Educational Institution	
Private Organization	
<i>Indicate the private organization used</i>	

6. NUMBER OF ENDORSEMENTS GIVEN ON LICENCES OR RECORDS OF UNLICENSED PERSONNEL

6.1 There are two provisions governing the endorsement of licences for language proficiency: ICAO Annex 1, paragraph 5.1.1.2, XIII and Article 39 b) of the Chicago Convention.

6.2 Annex 1, paragraph 5.1.1.2, XIII states that, under Remarks, the following shall appear on the licence: “special endorsements relating to limitations and endorsement for privileges, including

from 5 March 2008 an endorsement on language proficiency, and other information required in pursuance to Article 39 of the Chicago Convention”. Annex 1, paragraph 5.1.1.2, XIII applies if a State has established a regulatory framework for language proficiency and conducted language assessments. Paragraph 5.1.1.2, XIII does not specify the wording to be used for endorsement of licences related to language proficiency.

6.3 Article 39 b) states that “any person holding a licence who does not satisfy in full the conditions laid down in the international standard relating to the class of licence or certificate which he holds shall have endorsed on or attached to his licence a complete enumeration of the particulars in which he does not satisfy such conditions.” Article 39 b) applies if a State has not yet established a regulatory framework for language proficiency, if language assessments have not yet been conducted, or if a licence holder has failed to demonstrate a language proficiency of at least ICAO Operational Level 4.

6.4 Air traffic controllers and aeronautical station operators may or may not be licensed. Unlicensed State employees may operate as air traffic controllers and aeronautical station operators on condition that they meet the same requirements as licensed personnel. Therefore unlicensed State employees should have a similar endorsement as licensed personnel in their records.

6.5 The implementation plan will include the following information on the number of endorsements given on licences or records of unlicensed personnel:

	No. of licences	No. of endorsed licenses under Annex 1, paragraph 5.1.1.2, XIII for LPRs	No. of endorsed licenses under Article 39 b) of the Chicago Convention for LPRs
ATPL+ CPL+ MPL			
PPL			
	No. of licensed or unlicensed personnel as appropriate	No. of endorsed licenses under Annex 1, paragraph 5.1.1.2, XIII or equivalent record for unlicensed personnel for LPRs	No. of endorsed licenses under Article 39 b) of the Chicago Convention for LPRs
Controllers			
Aeronautical station operators			

7. POSTING THE PLAN AND NOTIFYING ICAO

7.1 Instructions on how States can post their implementation plan are located on the ICAO Flight Safety Information Exchange (FSIX) Website at <http://www.icao.int/fsix/lp>. States may choose to provide a link to a national website where the implementation plan is located or provide ICAO with a PDF file.

7.2 When the implementation plan is provided in a language other than one of the ICAO official languages, States are strongly encouraged to provide an English translation.

8. NOTIFICATION OF DIFFERENCE

8.1 The implementation plan should also include the required filing of differences pursuant to Article 38 of the Convention. A form for the notification of differences to language provisions can be found in Attachment C and should be forwarded to ICAO as part of the implementation plan unless the State has already notified ICAO of such difference. A note on the notification of differences can be found on the FSIX website (<http://www.icao.int/fsix/lp>). States are reminded that they should document in the AIP any differences on language proficiency.

**NOTIFICATION OF COMPLIANCE WITH OR
DIFFERENCES FROM LANGUAGE PROVISIONS IN
ANNEXES 1, 6, 10 AND 11**

(Reference to Table 1, paragraph 3, Attachment B)

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

1. No differences will exist on _____ between the national regulations and/or practices of (State) _____ and the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter.

2. The following differences will exist on _____ between the regulations and/or practices of (State) _____ and the provisions the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter. (Please see Note 3) below.)

a) Annex Provision (Please give exact paragraph reference)	b) Difference Category (Please indicate A, B, or C)	c) Details of Difference (Please describe the difference clearly and concisely)	d) Remarks (Please indicate reasons for the difference)
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(Please use extra sheets as required)

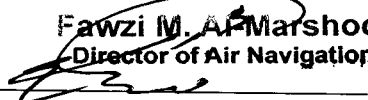
3. By the dates indicated below,

(State) Kuwait will have complied with the language provisions as detailed in Table 1, paragraph 3 of Attachment B of this State letter for which differences have been notified in 2 above.

a) Annex Provision (Please give exact paragraph reference)	b) Date End Of Year 2013	c) Comments
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(Please use extra sheets as required)

Fawzi M. Al-Marshood
Director of Air Navigation

Signature 

Date 23 AUG 2011

NOTES

- 1) If paragraph 1 above is applicable to you, please complete paragraph 1 and return this form to ICAO Headquarters. If paragraph 2 is applicable to you, please complete paragraphs 2 and 3 and return the form to ICAO Headquarters.
- 2) Please dispatch the form to reach ICAO Headquarters as soon as possible but prior to 5 March 2008.
- 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 language provisions is provided in the Note on the Notification of Differences at <http://www.icao.int/fsix/>.
- 5) Please send a copy of this notification to the ICAO Regional Director accredited to your Government.

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